

THE  
RESPONSIVE  
COMMUNITY



RIGHTS *and*  
RESPONSIBILITIES

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## When Redistribution and Economic Growth Fail

America's most aggressive cultural diseases—family breakdown, decaying civic institutions, rising crime, addiction, and illegitimacy—seem virtually immune to politics. They have resisted \$5.4 trillion in government spending and have turned generations of public policy reformers into cynics and pessimists.

On the left, the traditional response has been cash transfers, now discredited by a culture of dependence. On the right, the hope has been for a rising economy to lift all boats. But Reagan-era prosperity produced 18.4 million new jobs without making a significant dent in the underclass. Economic opportunity, we have found, is an empty concept in neighborhoods where 90 percent of children lack a father, entry-level jobs are dismissed as “chump change,” and young men (on good evidence) don't expect to live past their 20th birthday.

Economic redistribution and economic growth have both shown their limits. “What is wanted,” argues social critic Irving Kristol, “is a black John Wesley to do for the ‘underclass’ what Wesley did for the gin-ridden working class in 18th century Britain. Reformation has to be on the agenda, not just relief.” It should be added that Wesleys are needed for every race, because the underclass problem does not discriminate.

This theme was taken up by President Clinton in a speech to high school students in suburban Virginia. “Don't you believe,” he asked, “that if every kid in every difficult neighborhood in America were in a religious institution on weekends—a synagogue on Saturday, a church on Sunday, a mosque on Friday—don't you really believe that the drug rate, the crime rate, the violence rate, the sense of self-destruction would go way down, and the quality and character of this country would go way up?”

## REFORM, COMPASSION, AND MEANING

It was a founding principle of the modern, liberal state that society must change if we ever hope to change individuals. It is the dawning truth of our time that this principle is precisely backwards. Individuals must change if we ever hope to change our society. Matters of behavior and character—the value men and women place on life and property, the commitment they show to marriage, the sacrifices they make for their children—have assumed a central place in America’s debate on social policy.

If, to confront urgent social problems, reformation must be on the agenda, the direct role of government is nonexistent. Government can feed the body, but it cannot touch the soul. That delicate work is performed by certain kinds of private institutions and religious charities. By any objective measure most private and religious organizations are more effective, efficient, and compassionate than government programs, for at least three reasons.

First, private organizations have the freedom to require changed behavior in return for help. Once criticized as paternalistic, these groups actually assert the essential connection between responsibility and human dignity.

Second, their approach is personal rather than bureaucratic. The literal meaning of “compassion,” as historian Marvin Olasky points out, is “suffering with.” These groups understand that serving those in need is not primarily a function of professional background but of individual commitment.

Third, religious organizations often provide an element of moral challenge and spiritual renewal that government programs cannot duplicate. Robert Woodson Sr., a community activist in Washington, D.C., observes, “People, including me, would check out the successful social programs—I’m talking about the neighborhood-based healers who manage to turn people around—and we would report on such things as size, funding, leadership, technique. Only recently has it crystallized for me that the one thing virtually all these programs had in common was a leader with a strong element of spirituality. We don’t yet have the scales to weigh the ability some people have to supply meaning—to provide the spiritual element I’m talking about.

I don't know how the details might work themselves out, but I know it makes as much sense to empower those who have the spiritual wherewithal to turn lives around as to empower those whose only qualification is credentials."

A vivid contrast between government and private approaches is found in Washington, D.C., just blocks from the Capitol. The Gospel Mission, run by the Reverend John Woods, is a homeless shelter that offers unconditional love but accepts no excuses. Residents are required to take random drug tests. If they violate the rules, they are told to leave the program.

The success of the mission, however, comes down to something simple: It does more than provide a meal and treat an addiction—it offers spiritual renewal. One addict who came to Reverend Woods after failing in several government programs observed, "Those programs generally take addictions from you, but don't place anything within you. I needed a spiritual lifting. People like Reverend Woods are like God walking into your life. Not only am I drug-free, but more than that, I can be a person again."

The Gospel Mission has a 12-month rehabilitation rate of 66 percent, while a once-heralded government program just three blocks away rehabilitates less than 10 percent of those it serves. The privately run religious program achieves this success while spending one-twentieth of that spent by the government program.

In a period of "compassion fatigue" and frustration over counter-productive social spending, institutions like the Gospel Mission, duplicated around the country, are a source of hope beyond anything the government can offer. The measure of our compassion as a nation is the manner in which we celebrate, accommodate, and promote the work carried out by private and religious institutions and caring individuals. They should be invited to participate in the renewal of our society.

## FAMILIES AND REAL ROLE MODELS

The aforementioned themes provide the foundation for "The Project for American Renewal," a 19-piece policy initiative I have launched with Empower America Co-Director Bill Bennett. Along

with emphasizing the primacy of private and religious organizations in the provision of social welfare, the Project also addresses “Fathering, Mentoring, and Family.”

There is overwhelming empirical evidence linking broken homes with social pathologies. Seventy percent of prison inmates were raised in single-parent households, and the number of single-parent families in a neighborhood is closely associated with that community’s violent crime rate. Nearly three-fourths of children from single-parent families will live in poverty, and children from fatherless households are also more likely to abuse drugs, suffer physical and sexual abuse, and perform poorly in school.

Public policy can choose either to respect the role of parents and mentors, or to adopt an official neutrality that translates into the suffering of children. Taking the first approach requires a serious reordering of government priorities, in at least two ways:

First, we should communicate a clear, public preference for marriage and family in matters such as public housing, the tax code, family planning, and divorce law. Rewarding intact families is not, as some argue, a form of discrimination; it is a form of self-preservation.

Second, in the absence of fathers and families, children need more than funding and programs—they need mentors and examples. Precisely because we have a crisis in fatherhood, we need to be creative in providing children with models of responsible male behavior.

The Project for American Renewal also reaches one other important level of American life that lies between a distant government and isolated individuals: the community. When it is healthy, a community includes strong neighborhoods, successful businesses, vital churches, effective schools, and active voluntary organizations. These institutions encourage cooperation, build trust, and confront social problems before they become large enough for politics or the police. Local grassroots organizations infuse a community with its warmth, train its people to be good citizens, and make its neighborhoods seem smaller, more human, and more manageable.

“The point of curbing government,” says Republican strategist William Kristol, “is not simply to curb it for curbing’s sake (though

there is merit in that). The point is to enable the strengthening of civic institutions, the reinvigoration of institutions from the family up through voluntary and civic and religious institutions to communal institutions. We must curb government and strengthen civic institutions.”

Woodson makes the point that every social problem, no matter how severe, is currently being defeated somewhere, by some religious or community group. This is one of America’s great, untold stories. No alternative approach to our cultural crisis holds such promise because these institutions have resources unavailable from government—love, spiritual vitality, and true compassion. It is time to publicly, creatively, and actively take their side in the struggle to recivilize American society.

*Senator Dan Coats*

The following is a sample of the bills introduced by Senator Coats:

*The Character Development Act* (S.1203) would give school districts three-year demonstration grants when they agree to work with community groups to develop mentoring programs.

*The Family Housing Act* (S.1204) would set aside 15 percent of public housing units for families headed by two individuals who are legally married.

*The Adoption Assistance Act* (S.1206) would offer a \$5,000 refundable targeted tax credit for adoption, available in full to families earning less than \$60,000 and in part to families earning between \$60,000 and \$100,000.

*The Maternity Shelter Act* (S.1214) would provide \$50 million in vouchers which could be used by women at private and religious maternity group homes.

*The Compassion Credit Act* (S.1216) would create a \$500 tax credit for taxpayers who provide home care for individuals in need, including the homeless, battered women, abused women with children, hospice care patients (including AIDS and cancer patients), and unmarried pregnant women.

*The Medical Volunteer Act* (S.1217) would extend federal tort claim coverage to any health care professional who provides free medical services to a medically underserved person.

*The Community Partnership Act* (S.1218) would institute demonstration grants for programs to match communities of faith with welfare recipients or, as directed by the courts, with non-violent criminal offenders.

## Competing Rights: Student vs. Student

Ask any group of veteran teachers what the most striking change in American schools has been over the past 25 years, and they will say the enormous increase in violence and disruption. Of course there have always been youngsters who misbehave. What is new and shocking is the breakdown of order: kids coming to school with guns—and sometimes using them; teachers spending their classroom time trying to contain youngsters who yell obscenities when another student volunteers to answer a question. It is true that the violent and disruptive kids are only a small percentage of the whole—perhaps 5 percent—but they are putting at risk the education of the other 95 percent.

Our schools are very tolerant of outrageous behavior. Chances are good that youngsters caught carrying weapons will be suspended. But chances are also good that they will be back in a short time—ready to take up where they left off. And little if anything ever happens to the kids who destroy other students' opportunities to learn by turning the classroom into a zoo.

Why do we put up with this? Partly because many education experts maintain that these troubled kids are not responsible for their actions. They are victims of society's injustice, the argument goes, and if we do not keep them in class and in school, we jeopardize their right to an education. The trouble with this approach is that it disregards the rights of the 95 percent who want to learn—or might, if they had a chance. We need to provide violent and disruptive kids with an education—if they are willing to take it—in alternative settings,

where they will not destroy the education of others. But our primary concern should be the safety and well-being of the majority of students.

Polls show that parents, both white and African-American, are outraged by the current state of affairs. And in some districts teachers, who also say they have had enough, are joining with other community members to take back the schools. This will not be an easy job, but here are some of the solutions that are being advocated:

- *Clear and rigorous discipline codes that are strictly enforced.* Existing codes are often fuzzy and open to interpretation. A good code makes a direct connection between behavior and consequence—if you hit somebody, this is what will happen. And it must be enforced to the letter. Otherwise, some children will be punished more severely than others, and the code will be open to charges of unfairness. There must be no question of a kid being punished because somebody did not like the color of his or her skin: The same rules must apply to all.
- *State legislation requiring school districts to establish and enforce these codes.* A code is only good if it is enforced. Some school administrators are afraid that reports of violence will damage their reputations, so they ignore such reports or even penalize teachers who make them. A good state law would deal with this problem by including penalties for failing to enforce a district code as well as provisions requiring full and honest reporting of code violations.
- *Revised legal procedures.* School administrators hesitate to take a student to court because the process is time consuming and expensive. Also, in a curious way, the current process seems stacked in favor of the disruptive student. You have this lone child up against what looks like an unforgiving adult world, and the judge is likely to say, “Why not give the kid another chance?” But what if the kid’s 25 classmates or their parents were allowed to come to court and tell their side of the story? Giving the court an opportunity to hear the side of the youngsters whose education has been hurt by a violent or disruptive child would redress the balance a little.

- *A school-based arbitration process.* Arbitration is a quick and inexpensive way of settling disputes: guidelines about what is open to arbitration are established; both sides present their cases to an independent arbitrator; and the decision that is made generally stands up in court. Why shouldn't schools set up an arbitration procedure in which the rights of the disruptive students are taken into account, but the rights of the rest of the class to an education are paramount? This separate school judicial system could handle many of the problems that never get to court under the current system.

But if we are to make our schools safe and orderly, parents must also get involved. Parents of violent or disruptive students often show up to plead for their children. However, few parents of the 95 percent who want to learn ever step forward to demand safe and orderly schools for their kids. There is no question about the clout these parents would have if they rose up and told school boards what they have already told public opinion polls—that they have had enough.

*Albert Shanker*

## Make Bombs, Not Porn?

If you can answer the following question, you are ready for big-time politics: Why is the U.S. Congress willing to put smut on the Internet under wraps but allow mayhem manuals to continue to zip along unobstructed?

Objections raised to regulating either type of material are basically the same: the regulations are said to infringe upon the right to free speech. Nevertheless, shaken by the Oklahoma explosion, legislators initially did take note of Internet messages such as “I want to make bombs and kill evil Zionist people in the government. Teach me. Give me text files.” Legislators were even more shaken by the

responses to such messages: the easy access to detailed texts, diagrams, and instructions on how to concoct bombs. (*The Big Book of Mischief* runs the equivalent of 93 pages. Other manuals, such as *The Terrorist Handbook*, are shorter but no less explicit.)

In light of this information, a Senate subcommittee held hearings on whether to curb the dissemination of bomb-making instructions via the Internet. Civil libertarians raised strong opposition. When Senator Dianne Feinstein argued that “protecting such speech...is not what this country is about,” Jerry Berman, executive director of the Center for Democracy and Technology, exclaimed: “Excuse me, Senator, but that *is* what this nation is all about.” Lawyers from the U.S. Department of Justice put forward the traditional objection: such a ban would “criminalize constitutionally protected speech.”

It was further argued that the suggested statute is discriminatory and makes no sense because bomb-making recipes are freely available elsewhere, from the *Encyclopedia Britannica* to the *Ragnar's Guide to Home and Recreational Use of High Explosives*. Efforts to limit only on-line recipes were said to constitute an attempt to “demonize” one medium, the Internet. Following such arguments, the proposed antiterrorism act contains no ban on guides for bomb-makers (other than outlawing the dissemination of information about making explosives if it is knowingly or intended to be used for a crime...which is like saying no glass cutters or lockpick sets for anyone who is about to commit a burglary).

Shortly thereafter, legislators were alarmed by reports that two teenagers had run away from home after forming friendships with strangers over the Internet. In one of these cases, a 13-year-old girl from Kentucky was found in Los Angeles after her on-line male friend suggested that “we can run around our room naked all day and all night.” Legislators were also exercised about obscene material readily available on the Internet, including depictions of sexual violence and bestiality. This time, though, faced with practically identical objections to those fielded during the antiterrorism hearings, Congress has moved to impose heavy fines and jail sentences on people who circulate certain sexually explicit material over electronic networks. (Several state assemblies, including those of Maryland and Virginia, have passed their own computer related anti-smut laws.)

Our elected officials are not required by law to make their acts consistent with one another or to explain themselves, unless properly challenged. One tries to fathom a reason.

The magnitude of the danger could make a difference; but are bombs less dangerous than smut? Even those most disturbed by porn concede that it is just one factor among many that may dispose its consumers to act abusively. And they recognize that we live in a culture drenched with sexually alluring messages, rushing at us from numerous channels, reinforcing one another. Each individual piece of sexually provocative material adds but an immeasurably small drop to the deluge of sexual promotion.

By contrast, a single bomb manual will do the devil's work all by itself. It tells one how to obtain the materials, how to mix them to worst effect, ways to fashion the trigger, where to place the bomb to maximize damage, and how to conceal it smartly. A potential bomb-maker only has to display one such mayhem manual on a PC or download the document to a printer.

Social scientists differ about the total effects of porn. While some believe it helps cause untoward behavior, others hold that it provides a harmless outlet to potentially dangerous psychological predispositions. Those who watch obscene videos, peep shows, and movies might otherwise be on the street acting out. (The amount of masturbation that occurs in these settings provides some credence to this notion.)

In contrast, I cannot find anyone who argues that bomb manuals have harmlessly vented anybody's violent proclivities. On the contrary, given that most hyper-aggressive individuals are not the tidy obsessive but the impulsive type, one of the best ways to slow them down is to make it more cumbersome for them to act out their violent fantasies. Having to go to a public place, a library, is just enough to keep some potential bomb-makers out of explosive mischief. Having to identify themselves to a librarian, and fearing that someone may be looking over their shoulders, will stop still others. In contrast, making mayhem manuals available to them by computer, day and night, at the flick of a switch, allows them to fashion explosives in complete privacy and with all the comforts of home.

Most difficult is to assess the size of the damage done. Porn may contribute to the sexual abuse of women and children, a very serious matter. Bombs kill, sometimes blowing away buildings full of people, including scores of children. Maybe Congress took into account that there was only one bombing in Oklahoma while sexual abuse is rather common? Even if one forgets about the World Trade Center and the Unabomber (on the grounds that these expert terrorists hardly need the Internet manuals), one notes that in 1993 (the last year for which information is available) there were 2418 bombings and 562 attempts. These explosions received less attention than Oklahoma City because they killed just a few individuals each time, but still 281 people were injured and 43 were killed in one year alone.

In short, it may be difficult to prove that bombs engender more harm than porn; but surely they do not create much less. Anyhow, no one is asked to choose between the two; if our elected officials can find that one may be regulated, then one is hard pressed to find a rational reason not to regulate the other.

Some members of Congress may feel that as a society we have always been much more prudish about sex than we have been circumspect about violence. But porn is more abusive than it is sexual. And recently we have begun to turn against violent images on TV, in movies, and in rap songs. Why skip mayhem manuals? I just don't get it.

If all else fails, maybe we can declare that bomb-making guides are deeply offensive to our values, without redeeming social merit, most assuredly obscene material, and hence covered by the new anti-smut provisions. This will spare Congress the trouble of having to make sense.

*Amitai Etzioni*

## Do You Know Where Your Children Are?

In a burst of mostly patronizing publicity from the national media, the small town of Silverton, Oregon, and the Oregon state government have moved to hold parents responsible for offenses committed by their children. “Both stigmatize parents with their assumption that a child’s misbehavior results from a failure of parental supervision,” clucked a page one *New York Times* report. And the reporter for public television’s “MacNeil/Lehrer Newshour” explained that Silverton’s belief that parents are responsible for children up to age 18 is “a homespun philosophy from a homespun town.” (Translation: We are dealing here with a town full of rubes.)

What the reporter seemed to think was some sort of rural aberration is actually part of a fast-growing national trend. Hundreds of exasperated communities, large and small, are holding parents responsible for curfew violations, graffiti damage, and crimes by their children. Often they impose fines or community service and sometimes require attendance at basic classes on how to parent. Many changes in welfare plans also make parents responsible for their children’s attendance at school, and in some public housing a parent can be evicted if a child is found to be dealing drugs out of the family apartment.

In some cases, these laws are popping up in basically stable, but apprehensive, communities. By big-city standards, the level of vandalism and youth crime in Silverton seems quite low. And in the dozens of Chicago-area communities that now have parental responsibility laws, the targets seem to be illegal teen drinking parties and drunken driving. In these cases, the tactic is chiefly to embarrass well-off parents into taking charge.

In devastated urban areas, however, the practical and ethical problems are very different. It can look as though poor mothers are being punished for the sins of children they cannot control. Patricia Holdaway, the first parent charged under the curfew law of Roanoke, Virginia, said: “I went through so much with these kids. I’m just ready to call it quits.” Her 16-year-old son, arrested at 5 a.m. for his fifth curfew violation and for driving without a license, said, “I just left. It’s

not her fault. She shouldn't be held responsible. I know right from wrong."

Roanoke's policy is a reasonable one—it wants to work with at-risk youngsters and keep things out of court, if possible. It wants to establish the principle that parents should supervise a youngster in trouble. But in this case, the policy led to a \$100 fine and a 10-day jail sentence for a woman who already agreed with the principle of parental responsibility but could not enforce it. She is appealing the conviction.

Very few parental responsibility laws allow jail terms. But given the stresses on the poor, many of them single mothers, even mandatory community service or \$100 fines can be very punitive. That is why parental responsibility laws catch so many of us leaning both ways, pro and con. Are these laws attempts to reassert reasonable civic expectations about parenting, or are they desperate attempts to use the coercive force of the state to solve a cultural problem?

"When a culture is in free fall, as ours is, and our nonlegal institutions are falling apart, there's a temptation to move in with laws and government," said David Blankenhorn, president of the Institute for American Values. And the laws work best with parents who are already in control and merely need a wake-up call; they work poorly, or not at all, when the no-parenting ethic is ingrained or passed on from one generation to the next.

Still, many communities are so besieged that something must be tried. It is hard to keep kids off the streets during early morning hours when gangs are roaming if parents do not cooperate. And the detachment of many parents from the fate of their young is a crucial problem—many do not even bother to go down to a police station to collect an arrested son or daughter. "These laws are signs that the antibodies are starting to kick in," said Roger Conner, head of the American Alliance for Rights and Responsibilities. "But they have to be regarded as experiments. We have to find out what works, what encourages responsibility without resorting to draconian penalties." Conner thinks the Silverton ordinance is too strong—it allows a fine for a first offense, requires parental responsibility to age 18, and has been applied to cover teens caught smoking.

The statewide Oregon measure is more carefully constructed. The law covers responsibility for children up to age 15—a way of recognizing that older teens are much harder to deal with and sometimes beyond parental control. The first offense draws only a warning. The second time a parent faces mandatory attendance at a parenting class. Only after a third offense is a fine likely, and even then not if a parent can show reasonable efforts to control the child. The offense is civil, not criminal, and parents cannot be jailed.

With feedback from the community, these laws can be adjusted, depending on results and a changing social consensus. Let the experiments continue.

*John Leo*

## Tax Breaks for Pedophiles

Good news for philanthropic pedophiles: A Manhattan judge has upheld the tax-exempt status of an organization that advocates sex between men and boys. While the decision is probably the best thing to come the way of pedophiles since the Calvin Klein ad campaign, it is misguided and insidious. Manhattan State Supreme Court Justice Robert Lippmann's ruling means New Yorkers will be forced to subsidize a group that promotes criminal and immoral behavior.

Zymurgy, Inc. was established by three North American Man/Boy Love Association (NAMBLA) members; its aim is to advance the NAMBLA agenda. State Attorney General Dennis Vacco claimed that Zymurgy hid its true character when it applied for nonprofit status last year. But Lippmann rejected Vacco's argument. While the judge's ruling focuses on the fact that free-speech rights extend even to those who advocate man-boy sex, freedom of expression is not the issue. No one is preventing NAMBLA and its sister group from promoting the cause of pedophilia. Indeed, anyone who thinks that champions of pedophilia are persecuted for their opinions should be

reminded that the New York City school system has been forced to keep a NAMBLA member on its payroll.

The question is whether or not NAMBLA is entitled to a taxpayer subsidy. Tax-exempt status, after all, is a privilege, not a right. And the state of New York has sound reason not to want to confer its imprimatur on a NAMBLA front group, let alone extend any financial advantage to folks who devote themselves to the pedophile cause.

In his decision, Lippmann compares NAMBLA to the abortion-rights movement—an absurd suggestion. Abortion, to be sure, remains an unsettled issue. But most Americans—despite a decided national ambivalence—want it to remain legal. Pedophilia, on the other hand, has been abhorrent to society since the dawn of Western civilization.

*Evan Gahr*

### From Across the Pond

*Socialism to me was never about nationalization or the power of the State. Not just about economics or politics even. It is a moral purpose to life....We aren't simply people set in isolation from each other, face to face with eternity, but members of the same family, community, the same human race....Justice for all. Responsibility from all.*

*Tony Blair MP, Leader of the Labour Party*



RIGHTS/RESPONSIBILITIES

## AIDS Prevention vs. Cultural Sensitivity

RONALD BAYER

It has become a matter of conventional wisdom, repeated in almost talismanic fashion, that acquired immunodeficiency syndrome (AIDS) prevention programs should be culturally sensitive—sensitive to the particular values of a particular community. It is time to examine the validity of this received wisdom and to make clear that the call for cultural sensitivity entails a number of perspectives, some of which are obvious and uncontroversial, some of which are not so obvious, and some of which are simply false. In the end it will be clear that the most demanding conception of cultural sensitivity is incompatible with the goals of AIDS prevention.

Two arguments are typically made on behalf of the centrality of cultural sensitivity. The first is pragmatic and instrumental; the second is ethical and political.

The pragmatic-instrumental claim is expressed forthrightly by Collins Airhihenbuwa and colleagues:

The cultural pluralism prevalent in the United States warrants the development of culturally appropriate HIV/AIDS education programs that are sensitive to the cultural values and beliefs of different ethnic groups. Cultural diversity is evident in the different languages, cultural practices, and beliefs regarding illness and health seeking behavior. Thus it may be more effective to develop and implement health education programs that are adapted to a community's existing practices and beliefs rather than try to change them to fit the program.

In short, AIDS prevention efforts that are not culturally sensitive will be ineffective. They will fail to promote, support, and sustain the

behavioral modifications that are the *sine qua non* of AIDS prevention. They will fail because they will not reach their intended audience, will not be understood by those who are reached, and will not be accepted by those who understand. They may, indeed, provoke outright opposition.

The second claim on behalf of cultural sensitivity, less often made explicitly but nevertheless of central importance, is ethical and political. The basic principle of ethics—that individuals should be treated with respect and that their dignity should not be violated—is by extension applied to cultures. Cultural sensitivity is thus required of us by the ethics of pluralism. A failure to respect the cultural integrity of others is almost always characterized as an imposition of the values of the dominant and powerful on the subordinate and marginal. Writing about the “politics of recognition,” Charles Taylor has captured the essence of this claim: “Just as all must have equal civil rights, and equal voting rights, regardless of race and culture, so all should enjoy the presumption that their traditional culture has value.” And so the insistence on cultural sensitivity is premised on an egalitarian ethos, on the ethos that should inspire public policy in a multicultural democratic society.

Harlon Dalton employs the concept of neocolonialism to oppose those who act without regard to cultural sensitivity: “When we want help white America is nowhere to be found. When, however, *you* decided that we need help you are there in a flash, solution in hand. You then seek to impose that solution on us, without seeking our views, hearing our experiences or taking account of our needs and desires.”

What, then, is meant by cultural sensitivity? It is important to distinguish three very different ways in which the concept is used: the semantic, the instrumental, and the principled. The first two uses are rooted in the pragmatic arguments, the last in ethical and political ones.

#### AN AWARENESS OF LANGUAGE

The semantic conception of cultural sensitivity underscores the importance of conveying AIDS prevention messages in a form that

makes the content understandable—that uses the linguistic and stylistic characteristics of those to whom the message is addressed. Failure to understand the complex ways in which language and culture filter prevention messages is a recipe for failure in AIDS prevention.

It is important to understand the ways in which language is used not only because in different cultures different words may be used to describe the same behaviors or things, but because the same words may have different meanings. As Vickie Mays has written, “For gay men this has meant the extensive formulation of ‘safer sex’ interactions in which low-risk sexual behaviors are promoted using vernacular common to the gay male community.”

According to the semantic conception of cultural sensitivity, then, what is demanded is that the universalistic and uniform messages of AIDS prevention be packaged in a way that is appropriate for diverse target audiences. This conception of cultural sensitivity raises few problems from the perspective of public health. Indeed, it is the decade-long efforts on the part of those who oppose the use of “street language” that exemplify the hobbling of AIDS prevention messages in the United States. The imposition of restraints on the Centers for Disease Control and Prevention by Congress and the White House and the subsequent imposition of restraints on local and community AIDS prevention programs have represented a profound burden on the public health mission in the face of AIDS.

#### INSTRUMENTAL CONCERNS

The second conception of cultural sensitivity is instrumental. This conception underscores the importance of understanding the cultural context of sexual, drug-using, and procreative behavior, with the goal being to facilitate the transformations of those behavioral norms that foster the transmission of human immunodeficiency virus (HIV) infection.

This conception of cultural sensitivity finds repeated expression in the literature on women and ethnic minorities. In writing about African-American female adolescents, Gina Wingood and Ralph DiClemente note the importance of a research agenda that “can

identify the cultural, gender, and psychosocial influences within the African American community [because] understanding, modifying and harnessing these forces can transform them [into] powerful agents toward reducing the risks of HIV infection.” Janet McGrath and her colleagues, focusing on Ugandan women, note, “Because Baganda women have limited ability to reduce their risk of HIV infection due to prevailing cultural values with respect to sexual behavior, policymakers are faced with the dilemma of how to alter the sexual norms and values of a cultural group.” In discussing African-American men, Larry Icard and his colleagues speak of “socio-politically appropriate and culturally sensitive interventions that can overcome” the cultural barriers to AIDS prevention. Finally, and more bluntly, Merrill Singer writes of “us[ing] culture therapeutically to both reach participants and to assist them in making behavioral or other changes” and of “attempting to redefine certain cultural values.”

Not only is the instrumental conception of cultural sensitivity compatible with the goals of public health, it seeks to advance them with a solid grounding in cultural studies and analysis. In so doing, it reflects the insights of “social marketing,” which has sought to harness the understanding derived from commercial advertising for the ends of social betterment. In pursuit of public health goals, social marketing must identify and overcome what Robert Manoff has called cultural “resistance points” so that “awareness” may be converted into “practice.”

#### PRINCIPLED CULTURAL SENSITIVITY

The principled conception of cultural sensitivity represents a radical departure from the other two, since it would prohibit those interventions that violate the cultural norms of those to whom they are directed. The foundations for this conception are respect for the cultural integrity of those to whom public health efforts are directed and the moral claims of pluralism. It is in this strong sense of cultural sensitivity that a profound clash between the goals of public health and the demand that interventions respect groups’ cultural integrity becomes clear. Indeed, the clash is inherent in the broadly understood ends of AIDS prevention, which require fundamental changes in

sexual and drug-using behavior and the norms that inform and structure such behavior.

Four brief examples will serve to underscore the fissure between the norms of public health and the demand for cultural sensitivity in the principled sense of the term.

1. In the 1970s an exuberant sexuality took hold among urban middle-class gay men, one that fostered a multiplicity of sexual encounters, often with anonymous partners. At least initially, calls for sexual restraint provoked a strong reaction from some gay men, who saw in them an aggressive assault on their freedom. Reflecting this view, Michael Lynch wrote, "Gays are once again allowing the medical profession to define, restrict, pathologize us....So we have a disease for which supposedly the cure is to go back to all the styles that were preached at us in the first place." Needless to say, those were not the only voices heard in the gay community. Dr. Joseph Sonnabend asserted, "There can be no equivocation. Promiscuity is a considerable health hazard." Larry Kramer's widely read "1,112 and Counting," published in 1983, appealed to gay men to alter their sexual behavior at a time when the number of AIDS cases was but a pale portent of what was to come.

In the face of conflict within the gay community, should public health officials have remained silent, respectful of the culture of promiscuity, or should they have done much more than they did to challenge the norms that encouraged deadly behavior?

2. Many public health officials, and almost all AIDS activists, have called for the provision of condoms and condom education to high school students, for whom sexual activity poses a risk of HIV transmission. Efforts to undertake such programs have been endorsed by those who adhere to liberal secular values, but fiercely resisted by political conservatives and, most importantly, by many working-class and lower-middle-class parents. Bolstered by the Roman Catholic Church and by fundamentalist Protestants, some groups have viewed condom programs as an assault on parental prerogatives and the values of their own communities. They have sought to defend their moral and religious views of appropriate sexual behavior for their children against the forces of secularism. As a member of the New York City School Board asserted, "There is no way in this

city, in these United States, that someone is going to tell my son that he can have a condom when I say he can't."

In the face of such opposition, was it the obligation of public health officials to seek to protect the youth whose lives were placed at risk by their sexual behavior, or were they obliged to respect the culture of the parents who so opposed them? The fact that it is the AIDS Coalition to Unleash Power (ACT-UP) that has often been in the forefront of condom distribution efforts on school grounds, even when school or health department officials have been reluctant, noncommittal, or timid, demonstrates that the challenge to cultural sensitivity may come not only from the authorities but from AIDS activists imbued with a sense of mission.

3. From the mid-1980s on, an increasing number of public health experts have argued that needle exchange programs could play an important role in inhibiting the spread of HIV infection. That those associated with the Reagan and Bush administrations and with law enforcement would oppose such efforts is not surprising. More troubling, even startling, was the fierce opposition of the leadership of the African-American community—ministers, physicians, politicians—who saw needle exchange programs as one more experiment visited on powerless African-Americans or as a threat to whatever fragile efforts existed to prevent drug abuse. Such efforts were denounced as genocidal. Summarizing the imbroglio surrounding a proposed needle exchange program in New York City, Harlon Dalton wrote:

In fairness it cannot be said that New York City's health commissioner simply disregarded the issue of whether free needles would encourage addiction. Rather, after thoughtfully considering the issue, he concluded that the risk was minimal. The rub is that most African-American critics of needle exchange rejected that conclusion. Given this disagreement over a matter of fundamental importance to the African-American community, to proceed anyway looks a lot like indifference or disrespect.

Should public health officials have acceded to the concerns of the African-American community, respecting its culturally informed weighing of the risks and benefits of needle exchange, or should they have pressed vigorously to challenge the cultural resistance to such efforts and the political forces that gave it expression? When they

failed to overcome that opposition, should they have acknowledged defeat and attempted conciliation, or should they have proceeded to impose needle exchange programs by exercising their political power and authority, hoping that the opposition to needle exchange would either splinter or wither? Should ACT-UP have given up its vigorous efforts to establish illicit exchange programs in light of the opposition of the African-American community?

4. Those committed to inhibiting the heterosexual transmission of HIV infection have come to recognize the necessity of a fundamental change in the culturally embedded imbalance of power between men and women. Indeed, the literature on AIDS prevention has increasingly asserted that the empowerment of women is essential if heterosexual transmission is to be limited. Such empowerment is necessary if women are to gain control over the conditions under which they engage in sexual intercourse. In short, AIDS prevention is viewed as requiring a rupture in the cultural norms that define women as subordinate to men—that define the very nature of their relationships with their sexual partners.

#### WHEN SENSITIVITY KILLS

In each of these four cases, it is clear that acceding to the demands of cultural sensitivity, in the principled sense of the term, not only is *not* a prerequisite for effective public health practice, but would be inimical to the goals of AIDS prevention. Certainly it is necessary to recognize cultural differences as prevention efforts are fashioned, to recognize that communities are not monolithic and that cultural conflicts may occur within them. Crucial, too, is an understanding of the cultural barriers to AIDS prevention. In the face of such barriers it is desirable to reach for understanding, to persuade, even to hector. But diktat and ukase are to be avoided. In the case of the more powerful social groups, persuasion is preferable to fiat because of the capacity of such groups to politically thwart the efforts of those committed to AIDS prevention. In the case of social and ethnic minorities, as well as those whose beliefs place them beyond the mainstream, impositions from above can cause humiliation and provoke resistance that would be counterproductive to the goals of public health.

But in the end, no strategy for effective AIDS prevention can be limited by the demand that cultural barriers to behavioral change always be respected. There is an irony here: the demand for cultural sensitivity in the semantic and instrumental senses—the two weakest senses—raises few problems from the perspective of public health; yet the demand for cultural sensitivity in the principled and strongest sense, the sense that compels us to think carefully about the political and moral warrant for public health intervention, is ultimately incompatible with the goals of AIDS prevention. Homilies about cultural sensitivity must be replaced by a forthright acknowledgment that we cannot seek radical behavioral and normative change while adhering to a dictum that serves principally to protect the status quo.

## The Changing Precontractual Frame of Modern Society

BY ADAM B. SELIGMAN

If the 19th century was a “long” century, extending from the French Revolution to the First World War, the 20th century can be seen as an extremely “short” one, extending from 1917 until 1989. Several developments—the collapse of the Soviet Union and of the communist regimes of Eastern and East Central Europe; the development of post-Maastricht Europe (both plans for increased unity among European States as well as the reaction this has incurred in the form of the rise of right-wing, particularistic parties and movements in said countries); and the increased struggles over and, in fact, legitimation granted to pluralism and the diversity of public life in the United States at the end of the century—are all calling into question some of the core assumptions that have guided social life and analysis over the past three generations.

One arena where these changes have been felt most saliently is in the definition of the political realm. This includes the changing boundaries of public and private spheres; the definition of individual and collective identities; and the role of the state and of corporate groups in the making and remaking of social policy, as well as their roles in the process of collective decision making. In brief, both our ideas of the individual and of the social sphere (that of collective action and interaction) are undergoing vast changes.

These changes affect the lives of us all, both as citizens of a given nation-state as well as in our positions as members of an increasingly interconnected and interdependent world economy. As such, they have also forced many in both Europe and the North American communities to “rethink” the terms of citizenship and participation in collective life that have traditionally defined modernity as a political culture. Indeed, we need only to recall current debates over

multiculturalism, communitarianism, or liberal vs. republican models of citizenship to recognize how pressing is the need—in Western democracies, as well as in the transitional societies of Eastern and East Central Europe—to reclaim or rearticulate some agreed upon model of citizenship as the 20th century draws to its close.

Moreover, I would claim that many of the current debates over citizenship in the West as in the East—whether of a highly theoretical nature (e.g., the liberal-communitarian debate) or an inherently practical one (over multiculturalism, language, and religious instruction in schools in some North Atlantic communities, or over the status of ethnic minorities throughout Eastern and East Central Europe)—are rooted in two sets of political principles that are contradictory in nature. In fact, our current conceptions of citizenship as the formalized and legally ascertained rights and duties incumbent upon individuals in their relations within a society (conceived of as a nation-state) are, to a great extent, rooted in two historically diverse traditions of political thought that we may term, for brevity's sake, those of civic virtue and civil society. These two traditions, with their contradictory injunctions to virtue and civility, stand at the core of much of our current confusion over the meaning of citizenship and, in fact, of the defining terms of civil society in the modern world. In the following pages I will attempt to explicate these differences in two ways: first, by providing a historical background to current debates and, second, by subjecting these perspectives to a more analytic and theoretically informed inquiry. Both will, hopefully, provide us with an understanding of the terrain—not always explicitly stated—upon which these debates rest.

#### VIRTUE AND CIVILITY COMPARED

Both civil society and civic virtue are, as is all political theory, concerned with the defining relations between the individual and the social, and with positing this relationship in normative as well as descriptive terms. Both are firmly rooted in the intellectual traditions of Western Europe, in the doctrines of natural law, and in the political philosophies and images of ancient Greece and republican Rome. Both played a considerable role in the early modern era when, with the breakdown of the feudal order and the universal Catholic Church,

a new basis was sought for the organization of society. Both continued in different (and often interwoven) forms into the 18th (and to some extent into the 19th) centuries, making it impossible in the space of this paper to give a full history of these terms. What is possible, however, is the abstraction of the core analytic idea that defined each tradition in their different attitudes towards the social good. Both were, after all, concerned with providing the foundations of what Emile Durkheim would term (at the close of the 19th century) a “moral community” as the foundation of social life. And indeed what is central to both traditions is the idea of “virtue,” seen as central to this moral community.

The differences between both traditions, however, turn precisely on what are essentially different definitions of virtue, or, in somewhat broader terms, different conceptions of the moral order. In more sociological terms, these can be expressed as different conceptions of solidarity, where the moral sense is a function of public or private morality respectively—a point we shall have to return to at the end of this inquiry.

In the civic virtue tradition—from Aristotle (man’s telos in the polis) through Machiavelli, the neo-Harringtonians (fear of corruption in the 18th century), Rousseau (surrender of all natural liberty to community), and even into Hannah Arendt’s philosophical vision (where human realization can only exist in the participatory light of the public realm)—the moral idea is a *public* one. It is defined by the “conscience collective” or, to use Rousseau’s famous expression, by the “general will.” Morality, or the stuff of virtue, is less a private attribute and more a public or communal enterprise. It is realized by the active (and continual) participation of collective members in communal affairs and can, following Machiavelli, be abstracted and removed from all elements of private morality.

Moreover, with Rousseau, virtue is succinctly defined as the “conformity of the particular wills with the general will.” This is, of course, congruent with his overall moral vision where what is regulated and subjected to authority is not only man’s “actions” but his “will” as well. Of course, the sovereign authority in question is not that of the despot but of the community—that community constituted, as Rousseau explains in *The Social Contract*, by “the total

alienation of each associate together with all his rights to the community.” That community where “each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an *indivisible part of the whole*” is, in essence, the model of citizenship that most closely approximates the ideal society in the civic virtue tradition.

Thus we have a community of a totally unmediated relation between the parts and the whole, where “private interests” and “partial associations” are condemned, and where the relation “of the members to one another” is “unimportant” and the relation of the member “to the body as a whole” is “as important as possible.” It is a moral community where what is moral is precisely the community. Now to be sure, once we have abandoned a transcendent morality (and if we remain unenticed by utilitarian theory) we have little choice but to follow Durkheim’s strictures on the communal nature of all morality. I note this only for the purpose of keeping a crucial distinction in mind—the distinction between community as the source of morality (a sociological truism) and the notion of community as morality (to put it somewhat starkly). The latter idea is at the heart of the civic virtue tradition where a community of virtue (to use a more emic term) is one where the social good is defined solely by the subjugation of the private self to the public realm.

In the civil society tradition, by contrast, especially as it differentiates itself from civic virtue (in the second half of the 18th century), the moral basis of society becomes more and more a *private* ideal. This private idea of virtue stands in such marked contrast to the public character of virtue in the former tradition as to exemplify what is, as noted above, a fundamentally different model of citizenship and of the social good. In fact, the move from virtue as an attribute of the public sphere to virtue as an attribute of private morality was a crucial development in the making of modern liberal individualism and its models of order.

The tradition of civil society is, as I have argued elsewhere, first and foremost an ethical edifice. From Shaftesbury’s *Characteristics of Men, Morals, Opinion, Times* (1711) through Francis Hutcheson’s *Inquiry Into the Origins of Beauty and Virtue* (1725), Adam Ferguson’s

*Essay on the History of Civil Society* (1767), and until the 1790 edition of Adam Smith's *Theory of Moral Sentiments*, the tradition is concerned with positing the moral sense—or a “universal determination to benevolence in mankind”—as a fundamental given of human nature. It was this moral sense that assured mutuality, compassion, empathy, and thus a basis for human interaction beyond the calculus of pure exchange.

Of course, the idea of civil society maintained elements of the civic virtue tradition—that is, of the communal locus of individual life (especially when we consider the later development of liberal theory and ‘methodological individualism’). The idea of “vanity” for Ferguson, or “approbation” for Smith, plays this role and provides the basis for natural sympathy and moral affections upon which moral community is predicated. Both build on the social nature of our existence and on our individual validation in and through the eyes of others. They link us to the social whole as we become who we are through the other's perception of us (a sort of median social self *avant la lettre*). Yet, crucially here, the communal or social “other” is internalized in the self, which remains inviolate, though not abstracted, from community. This is very different from, if not diametrically opposed to, the classical tradition, which saw the individual as human only within the polis and through activity in the public realm, and from Rousseau's ideal, where only the replacement of individual personality by a “corporate and collective body,” with its own communal identity, life, and will, can guarantee civic virtue and human realization.

Interestingly, both models seek to act for the protection of moral, communal ties against corrupting influences and against, in Rousseau's terms, the “cheapening of virtue.” But whereas the former achieves this goal by rooting communal virtues in individual selves, the latter does so by restricting individual virtue to the public realm. A good example of this difference, as well as of the fact that the principals involved in the debate were well aware of this difference, can be found in the question posed to the Edinburgh Belles Lettres Society in the early 1760s: “Whether the Character of Cato or that of Atticus is most excellent?” i.e., public or private man. From this, of course, followed the true residency of virtue—which for the literati of

Edinburgh was to be found in Atticus's role as a virtuous individual, an impartial and sympathetic observer of the public realm.

#### THE INTERNALIZATION OF VIRTUE

In slightly different terms, "sociability" (or, with Adam Smith, "interactive sympathy") in the civil society tradition can be said to replace "virtue" in the civic virtue tradition as the foundation of moral community. This is a more differentiated and sophisticated theory of the moral community and rests, moreover, on a very different conception of the social enterprise. Put more strikingly, and to remain with Adam Smith (whose psychology is perhaps the most sophisticated within the civil society tradition), the idea of conscience as the internal, impartial spectator takes the place of the general will, as virtue is defined as that which is approved by the impartial spectator.

Indeed, this juxtaposition of the internal, impartial spectator as against the idea of the general will is, I would claim, the very heart of the issue at hand and adds both a historical specificity and analytic sophistication to our prior contrast of private and public conceptions of virtue. For while subjection to the general will is a rational act that guarantees (public) virtue by the suppression of all partial (private) interest, the idea of the impartial observer is but an individual (psychological) mechanism through which, for Smith, the workings of mutual sympathy progress.

Smith saw sympathy as a function of that practical virtue termed "propriety" which was assessed by the "impartial spectator." Without entering here into Smith's complex and subtle psychology of interactive emotions, it is sufficient to point out that "propriety" (and so the workings of sympathy) turns on the idea of the impartial spectator—conceived as not only impartial, but also informed and sharing in the common standards of the community. Through assuming the position of the impartial spectator, we judge both our own conduct and that of others. In Smith's words:

We endeavor to examine our own conduct as we imagine any other fair and impartial spectator would examine it. If, upon placing ourselves in his situation, we thoroughly enter into

all the passions and motives which influenced it, we approve of it, by sympathy with the approbation of this supposed equitable judge. If otherwise, we enter into his disapprobation and condemn it.

This exercise both aids us in bringing our own passions in line with acceptable common standards (propriety), tempering the intensity of our own felt experience to fit common standards, and, more importantly, creates an independent moral standpoint detached from any given social morality.

The idea of propriety, as a standard to judge both our own actions and those of others, is, for Smith, rooted in “the eyes of a third party,” that impartial spectator, “the great inmate of the breast,” who “judges impartially” between conflicting interests. As convincingly argued by Knead Haakonssen, it is the continual search for this neutral third party position, for the standards of this impartial spectator, that makes social life possible. It provides the foundation for a morality higher than the changing whims of any given set of social mores.

It is in fact with this insight that Smith breaks with both the preceding tradition of civil society, with its naive anthropology and notions of an innate sympathy, as well as with any attachment to collective norms and mores (what may perhaps be termed today, in the language of republican citizenship, the “latent community”) upon which the civic virtue tradition is based. For in revising the sixth (1790) edition of *The Theory of Moral Sentiments*, Smith abandoned his idea of a harmonious society in which public opinion can be seen as a guide to moral action (or virtues) and proposed in its stead a psychological mechanism for the development of an internal conscience. As the “man within the breast” takes the place of the man outside—or public opinion—as the source of virtue, a new foundation is posited for the pursuit of the social good. In the move from the first to the sixth edition of *The Theory of Moral Sentiments*, the impartial spectator is internalized, removed from any facile identification with public opinion. While men are, in this reading, still social beings, what permits sociability is not the dissolution of self (in the general will) but the constitution of self through that higher morality imparted by the impartial, internal spectator—higher, that is, than the mere motive of recognition and approval on the part of “high society,” a motive that Smith was to view with increasing apprehension through the closing decades of the 18th century.

Here then we have a very different model of virtue, of social mutuality, and of the common good than that presented in the different thinkers whom we associate with the traditions of civic virtue. In that tradition, the public good is one which overrides all private goods and rests, ultimately, on the overcoming of self-interest for public concerns. This, however, is not simple public spiritedness, but a vision of humankind that sees in the public arena the only possibility to realize and fulfill the self-identity of the private citizen. By contrast, the ethical idea in the civil society tradition is a private one—realized within the hearts, minds, and acts of exchange of individual social actors.

#### TRUST AND SOLIDARITY

More etically, more sociologically, with more historical hindsight, and with an eye to current concerns, we must query the moral basis of social solidarity in both traditions. What keeps society civil and/or virtuous, as the case may be? The ramifications of this question on the current debates between universalists and communitarians, advocates of liberal or republican versions of citizenship, should be clear. For the debate over liberal or republican versions of citizenship is, in many respects, nothing but a contemporary reformulation of the contrasting visions of citizenship, of the individual and of the public good, contained in the two traditions of political thought we have been discussing. Liberal theory (or what Charles Taylor has called “procedural” theory) views society as an assortment of morally autonomous individuals, each with his or her own concept of the good life, with the function of society being limited to ensuring the legal equality of these individuals through a procedurally just (or fair) process of democratic decision making in the public sphere. It is concerned with ensuring the continued operation of universally valid principles of justice (or right) rather than with imposing any particular moral vision on the individual social actors who make up society.

Republican versions of citizenship (including many currently being aired in Eastern and East Central Europe for that matter) posit, by contrast, a conception of society as a “moral community” engaged in the pursuit of a common good, whose ontological status is prior to

that of any individual member. In this reading, the terms of selfhood, no less than those of community, are transformed as—following Michael Sandel’s critique of John Rawls—there can exist no “unencumbered” self free from the morally binding and constituting ties of a particular community. Even without further explication, it is not difficult to hear the (slightly modified) echoes of Smith and Rousseau resonating in these different positions across two hundred years.

At this point we could well recapitulate the existing debates between communitarians and liberals over the terms of citizenship, but such an exercise would be unwise—if only because there are many more familiar with the debate than I. What I would like to propose, therefore, is to look at the seemingly insoluble contradictions between liberal and communitarian positions in a somewhat new and perhaps counterintuitive light. What I wish to contend is that rather than two different models of citizenship that I claimed earlier, liberals and communitarians are in fact articulating a similar model, but privileging different aspects.

The crux of the issue—of the historical (and to some extent contemporary) debate over models of virtue—is, as we have seen, its residence in the public or private realm respectively. Virtue here is taken to be that model of social solidarity (in Durkheim’s terms “the precontractual”) at work in society. These are the values embedded in society that contracts presume. This becomes clear when we translate virtue into the contemporary idea of citizenship and the different types of rights and obligations envisioned in either model.

The precontractual elements take different forms, primary among which are the creation of public goods and the public distribution of private goods, both of which allocate resources according to criteria other than those of pure market exchange. The values involved are many. They can be predicated on ascriptive ties of kinship, or the familiarity of dense social networks (as, for example, among residential community associations), or they can be based, with Durkheim, on a civic consciousness predicated on the mutual recognition of the agency and autonomy of the individual as the source of the moral order. This latter model, we recall, was that posited by Durkheim as at the heart of modern, organic forms of the conscious collective.

As Durkheim posited, what has come to characterize the terms of solidarity and citizenship in the West has been the establishing of the individual agent and his (and increasingly her) autonomy as that unconditional principle of generalized exchange that regulates and structures the flow of resources in society. This has been manifest in myriad and contradictory forms, first among which is the very development of contract law and the freeing of the contract from restrictions and encumbrances in the heyday of laissez-faire capitalism—privileging in fact the autonomy and freedom of choice of the contracting parties. It is, however, also manifest in the wealth of entitlements that today do, in fact, restrict the very workings of contract (minimum wage regulations, child-labor laws, even affirmative action criteria).

Note the seeming contraction here—for it will take us to the heart of the matter at hand. In the 19th century the principles of the precontractual guaranteed the freedom of contract, while in the 20th century the very same principles have limited such freedom (by providing for the rights and entitlements of working people, extending the social dimension of citizenship beyond the gentleman class, and doing the same for specific groups through affirmative action laws). Thus, the greater *institutionalization* of the idea of the individual as source of the moral order—within the workings of the society and economy—led to restrictions on that very personal autonomy of the individual (here the contracting parties) that had, in the mid-19th century, represented the idea of society's unconditionalities par excellence.

It is through this process of institutionalization of the precontractual as a context for exchange that we can best understand the contradiction between today's liberal and communitarian positions. How so?

One of the important insights we have gleaned from anthropologists and sociologists working in this field is that the precontractual context for exchange exists in two forms: in what may be termed their pristine or idealized form (that is in those interactions that symbolize and legitimize the process); as well as in those institutional forms (basically legal dicta) that regulate the flow of resources in society.

Moreover, a tension between these two expressions of the pre-contractual are an indisputable aspect of social life. It can be seen, for example, in the tension between the Sermon on the Mount and the institutional workings of the medieval Catholic Church; between the Brahmic ideal of renunciation and the workings of the caste system in Hinduism; and between any ideal of kinship solidarity and the concrete workings of the family. In our case it is between the precontractual forms of relations posited by communitarian thinking and the types of encumbrances and restrictions placed on the contract in the liberal tradition—*in the name, I might add, of the very same set of principles*, i.e., those predicated on the idea of the individual as the source of moral order. The communitarian tradition privileges and attempts to integrate the “pristine” form of these relations into the public realm while the liberal tradition values, and in some cases apotheosizes, its institutional expression.

Thus the liberal position, at its principled extreme, is content to let the public realm be defined solely by the institutionalized workings of society’s unconditionalities, preserving for the private sphere its most valorized or “pristine” articulation. The republican or communitarian tradition (though they cannot in truth be so blithely equated) is less willing to accept this principled distinction between the two realms. (The same is true for the early proponents of the civil society tradition who, with Adam Ferguson, mourned the loss of that particular form of solidarity whose passing was occasioned by the modern division of labor.) What was lost, and what contemporary republicans attempt to reintroduce into the public realm, are precisely those forms of “pristine” agency and of a self unmediated by those institutional frameworks upon which society’s unconditionalities are seen to rest.

#### CONCLUSION: THE CRITICAL ROLE OF AGENCY

A final word on virtue as the precontractual and its relation to the public and private realms. Some may object that I have only been able to develop the foregoing analysis by imputing to communitarianism a concern with the individual actor that does not really reflect its thought at all and is rather the preserve of the liberal tradition alone. This argument must, however, be rejected, for if we are to see the

individual as something beyond a simple bundle of infinite desires, but rather as one imbued with agency, able to make in Charles Taylor's terms "strong evaluations," endowed with what Philip Selznick has termed "moral competency," then we must admit that individual agency has stood at the core of the classical republican tradition since its inception. Indeed agency and the essential mutual recognition of agency are at the heart of those very precontractuals posited by the communitarian tradition. In fact it must be so, or else there can be no meaning to such social bonds and relations. Contractual relations, on the other hand, can be seen as those relations where agency is severely circumscribed by formal rules, regulations, imposition of sanctions, and the whole web of systemic injunctions in the fulfillment of role obligations and expectations. They are characterized less by trust than by the threat of sanctions (trust, if you think of it, is only meaningful where agency is at play).

The problem, however, is one of the arena where this agency is effected—and again I would claim we come to the problem of institutionalization. For in contemporary societies, that social arena where agency is most recognized, and where consequently (and following Seyla Ben-Habib) we can assume a willingness and capability of individuals to act in terms of the highest ethical standards of our culture (i.e., its terms of unconditionality), is not in the market place, mall, or stock-exchange, but in the private realm of friendship or love relations. This, however, is the source of a particularly modern paradox: that the realm where our highest ethical principles (i.e., society's unconditionalities) are symbolized and represented (where they achieve their purest or "pristine" form) stands apart from and in contradistinction to the social realm of their organizational effects. The "strong ties" of trust in individual agency in the personal realm thus stand in opposition to the "weak ties" of its workings as a principle in the organization of the division of labor.

The contradiction between public and private is thus a mirror of the contradiction between the realm where our principled unconditionalities are symbolized and legitimated, and the realm of their institutionalized workings. And I, for one, am less than sanguine about its resolution. For the issue is not one of voting for Democrats or Republicans, nor of supporting a communitarian agenda or liberal platform. The issue is one of institutionalization, of an inexorable

process that always involves a transformation of the ethical principles upon which it was founded. (And also, by the way, relegates its intestine debates to the dustbin of history: Who today studies the debates between Arminian and strict Calvinists over the terms of sanctification and regeneration in Congregational theology?)

In this context we would do well to recall the trenchant and rather depressing essay by Ralph Dahrendorf published recently in *The Responsive Community* (Summer 1995) dealing with the transformation of contemporary politics in OECD countries. This current crisis in which, as Dahrendorf suggests, more and more political actors are increasingly willing to sacrifice political freedom and/or social cohesion to the development of economic well-being, is essentially a crisis in that unconditional principle which informs both the structuring of our economic lives and the articulation of our politics, i.e., a crisis in the idea of the individual. However, without this principled idea of the individual as reflecting the underlying precontractual elements, neither the conditions for political liberty nor for social cohesion (as we know it) can be maintained. The challenge we all face is thus to maintain this principle, but as a Public Good and not as private license. Whether this will be possible, however, is an open question.

## Hispanic Immigration: Beyond the Melting Pot and the Mosaic

ROBERTO SURO

After moving to Houston from Mexico when she was three years old, Imelda grew up in a household fractured by competing identities. Her parents' world was circumscribed by the factories where they worked by day, their nighttime jobs cleaning offices, and the little bit of the *barrio* they saw during their rare hours off. The American city, with all its complexities and conflicts, was just a downtown skyline visible on clear days in the distance. After a dozen years her parents spoke all the English they needed to get by, which was not much.

Imelda learned English from the television, her constant childhood companion and window into the country she now considers home. In the working-class neighborhood where she grew up, Imelda barely kept one step ahead of the gangs, drugs, and violence that were consuming whole sections of the Sun Belt city. Almost by instinct, Imelda seemed streetwise and sassy.

By the time she reached high school, Imelda's world had begun to clash with that of her parents. "We could never get stuff like pizza at home, just Mexican foods," Imelda said not long after she turned 15 years old. "My mother would give me these silly dresses to wear to school, not jeans. No jewelry. No makeup. And they'd always say, 'Stick with the Mexican kids. Don't talk to the Anglos. They'll boss you.'"

Her parents told her she could not date boys until after her 15th birthday and that the occasion would be celebrated with a *quinceanera*, the traditional coming-out party for girls. On that day, she was told, she would wear a frilly dress ordered by catalog from Mexico and dance her first dance with her father.

The party came and went just as her parents had planned it. But the next day she announced that she was pregnant and that she was moving out to live with her boyfriend.

#### "I FELT LIKE AN AMERICAN"

That night the boyfriend's mother, a third-generation Mexican American on welfare, served the couple plain boiled white rice. "I had never eaten rice like that because my mother made it Mexican style," Imelda said. "When I ate that white rice at his house that night, I felt like an American. I was free."

In the course of just a few years, Imelda's identity had changed drastically, and it was certain to change still more before she reached adulthood. But what sort of identity will this change produce? And what models are available to help explain how young immigrants are developing their identities in U.S. cities? Since the children of Latino immigrants are expected to be the fastest-growing category of the U.S. population for the rest of this decade, the answers to these questions will be vitally important for years to come. Young people like Imelda are a surging cultural force that has the potential to overthrow traditional ideas about how people become Americans and how ethnic groups function in U.S. society.

The melting pot is the oldest and most familiar model used to describe what happens to immigrants once in the United States. It is most potently symbolized by those who changed their names at Ellis Island so that they would fit better into the new society. There is something very American about Imelda's fate as a teenage single mother, but she was not simply shedding her Mexican identity to conform with American ways.

The idea that immigration identity simply dissolves into an American "oneness" was authoritatively declared dead almost 30 years ago by Nathan Glazer and Daniel P. Moynihan in their book, *Beyond the Melting Pot*. The "point about the melting pot," they wrote, "is that it did not happen." They went on to argue that "this is nothing remarkable. On the contrary, the American ethos is nowhere better perceived than in the disinclination of the third and fourth generation of newcomers to blend into a standard uniform national type."

A more contemporary alternative is the multicultural model. David Dinkins, the former mayor of New York, seemed to capture the concept when he described his city as a “gorgeous mosaic.” In this idealized metropolis, many ethnic and racial groups live in equality alongside each other, but each group remains essentially apart. Proponents of multiculturalism argue that there is no common American identity, or at least none worth assimilating into, and so immigrants should retain their distinct ethnic personalities. Yet Imelda does not seem to be someone who is asserting a cultural identity deeply imbedded in her ethnicity any more than she seems to be blending into a standard national type.

These two models of ethnic identity in the United States are now the subject of bitter ideological dispute. But the new immigrants have virtually no role in this conflict except as fodder for the debate. The most devoted combatants are academics and pundits, and the major battlegrounds are university curricula and rules of free speech. While immigrants may have very little interest in the vicissitudes of political correctness, they are deeply affected by this rift in the American intellectual landscape.

Neither side of this debate, however, offers much of a model for the way ethnicity is playing itself out in American cities today. Nonetheless, perceptions and policies that affect the everyday lives of immigrants are being shaped by the conflict. As the two sides become further polarized and hardened in their positions, they move farther and farther from reality as lived in places like East Los Angeles, or Houston’s old ship channel wards, or Hialeah, Florida.

The life and times of these places demand a new model for ethnic identity in immigrant communities. Just as the melting pot model projects a sense of ethnicity that is too unanchored, the mosaic is too static. Immigrants do not blend into a uniform national type, but neither do they retain fixed and distinct ethnic identities forever. Accurately depicting life in Latin immigrant communities requires a vision of ethnic identity as something both dynamic and enduring; fluid, ambiguous, and adaptive, but still distinctive.

#### IT’S NOT 1910 ANYMORE

For a new model, it is important to set aside European notions of ethnic identity. To describe someone as Polish, Irish, German, or

Italian conveys a commonly understood set of assumptions about language, history, high culture, politics, social behavior, cuisine, and even appearance. The European wave of migration to the United States began as the rise of nationalism sharpened these identities. The wave crested as violent assertions of national identity produced a long period of bloodletting that culminated in the Third Reich. Latin America has yet to produce any ethnic identity as rigid or as militant as that.

Given the historical context, it is hardly surprising that each group of European immigrants brought a distinct ethnic identity to the United States. For the full hundred-year history of the migration, each ethnic group made aggressive use of that identity to establish its place here, whether that meant the Irish domination of the Roman Catholic Church, the establishment of German-language schools, or the publishing of native-language newspapers.

Among Latinos, on the other hand, several factors produce a more ambiguous and adaptive form of ethnicity. Virtually every nation in Latin America is racially heterogeneous. Not only do the populations include people of several races, but also most of the people are of mixed blood. Moreover, national differences are mitigated by the sharing of both language and culture. And despite a variety of international wars and conflicts in the region, these are nations with relatively short histories. Thus, today's immigrants bring with them their own national identities, but those identities are not as cohesive or comprehensive as those of the earlier Europeans.

All of this suggests that the concept of an ethnic group is applied to Latinos simply because no other paradigm readily exists. And if the formula for grouping people ethnically breaks down with such a large part of the population, then one can assume that the growth of the Hispanic population may lead to a fundamental redefinition of ethnicity and its workings.

But this changing understanding should not be surprising. After all, immigration and its influence over the urban experience have always been the engine of ethnicity in American society. Today, it is driving the concept in new directions. U.S. cities are even more heterogeneous places in the 1990s than they were when a dozen distinct European nationalities inhabited them. The population of

almost every major metropolitan area can be broken into four major racial groups—blacks, whites, Asians, and Latinos—with dozens of ethnic and national subgroups among them.

It is wrong to assume that everyone who comes to the United States from the same place will march forward together toward the same identity. Every individual immigrant's experience increases the diversity of Latino ethnic forms in the United States. Geographic dispersal and widely differing rates of upward mobility create enormous differences among people who came from the same country, even from the same village. While some live in ethnic enclaves barely speaking English, others scatter through the suburban landscape and constantly renegotiate their identities with the Anglo mainstream.

Both the melting pot model and the mosaic model also fail to take into account the exceptional degree of interaction among individuals of different ethnic origins now taking place in U.S. cities, producing all sorts of intermarriage and hybridization far from the mainstream. One of the more dramatic examples of this is the absorption of African-American urban culture by Latino immigrants. Spanish rap music and baggy shorts on members of Chicano gangs are a form of assimilation, though by no means an adoption of a single "national identity."

Finally, any conception of ethnicity in today's immigrant communities must take into account the vast array of influences that now shape ethnic identities. Young people are bombarded by a consumer culture that becomes their main source of ideas about the United States. Yet even as they adapt to this America they see around them, new immigrants constantly arrive to remind them of their ethnic roots. Thus, on one hand, young people like Imelda are throttled forward toward mainstream American society; on the other, they are constantly pulled back to the culture and language of their parents' homelands.

#### ETHNICITY AND ECONOMIC STATUS

Latino ethnicity in the United States is ambiguous, dynamic, and diverse; but there is another side to it as well. Within a single Latino

group there are sharp differences in ethnic character that depend on an individual's economic status. Frank D. Bean and Marta Tienda, in their landmark 1987 study for the Russell Sage Foundation, *The Hispanic Population of the United States*, explore the diversity of the Latino personalities in the United States and conclude that Hispanic ethnicity is heavily conditioned by this nation's "stratified society" in which skin color and economic status jointly determine a person's place. Bean and Tienda note that among successful Hispanics, ethnicity often acquires a symbolic quality that is primarily manifested by continued observance of holidays, the consumption of ethnic foods, and other such ritual traits, "while in the areas of occupation, education, language, and residence they have increasingly modeled Anglos."

The character of those who do not make it economically is very different. Bean and Tienda describe a nexus of immigrant ethnicity, discrimination, and civil rights politics. That intersection is the key to understanding the most visible, but not necessarily the most numerous, Latinos—the urban poor. For Hispanics relegated to poverty and to life in urban *barrios*, Bean and Tienda found that "ethnicity becomes synonymous with minority status." As such, ethnicity is more than an expression of cultural heritage or a reflection of an economic condition. Among poor, segregated Latinos, ethnic identity is a powerful defense mechanism that, according to Bean and Tienda, "offers refuge to its adherents against the very system that produces stratification and oppression."

The fact that Latinos develop different identities at different strata of American society indicates that class differences have more than just an economic impact on new immigrants. These divisions not only determine how individuals adapt to the United States, but they also decisively limit the Latino population's ability to form a coherent interest group capable of achieving political influence. During the last great wave of immigration, ethnic solidarity played a major role in helping newcomers adjust to the United States and easing them through their financial and social problems. In their jockeying for political position, well-established communities of Italians, Poles, Irish, and others worked hard to make citizens out of newly arrived immigrants, because ethnic-bloc voting led to power and patronage.

Given the unique character of the Hispanic population, as well as changes in the nation's economy and political system, it is unlikely those patterns will repeat themselves precisely. Government today plays a much larger role in ensuring social welfare, and at the same time there is far less public engagement in electoral politics. The new immigrants are coming to cities without effective institutions. What happens to them politically will be a matter of inventing something new and not adapting the patterns of the past.

#### A NEW STORY IN A NEW LAND

It is clear that the current wave of immigration is changing the dynamics of ethnicity in the United States. But the transformation is still very much in progress. It is also certain that Latinos represent a potent ethnic force, but that their ethnicity expresses itself in many distinct forms and in pursuit of many different goals.

For the moment it is best to pose questions: Will some form of pan-ethnic Latino identity develop in the United States, and what shape might it take if it does? Or will many different Hispanic identities develop based on class, region, and nationality? Will some coalition of interests develop between African-Americans and Hispanics? Or will they cease to identify with each other under the minority-group umbrella? What are the chances that Latino immigration will produce an entirely new concept of political community? Is there a model that relies less on grievance than the civil rights paradigm? Is there a way around the European concept of ethnic identity as something that separates and excludes? If there are answers to any of these questions, they may well emerge out of the *barrios* of the United States.

The one certainty is that the old models no longer suffice. Rather than simply assimilating, as believers in the melting pot theory would prefer, or holding on to their native ways, as the multiculturalists would suggest, Latino immigrants are developing new ethnic identities through their experience in the United States. Whether it is the *chicanos* of Los Angeles, the Mexican-Americans of south Texas, the *Nuyoricans* of East Harlem, or the Cubans of Miami, there is no doubt that the current wave is producing many distinct and novel forms of

ethnic expression. Latino immigrants are not obliged to choose between becoming ethnic plaintiffs or surrendering their identity. That is a false choice because it fails to appreciate the extent to which Latino immigration has already transformed the ethnic landscape of the United States.

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## Community Properly Understood: A Defense of “Democratic Communitarianism”

ROBERT N. BELLAH

The word “community” leads a double life. It makes most people feel good, associated as it is with warmth, friendship, and acceptance. But among academics the word arouses suspicion. Doesn’t community imply the abandonment of ethical universalism and the withdrawal into closed particularistic loyalties? Doesn’t it perhaps lead even to ethnic cleansing?

The word community is a good word and worthy of continued use if it is carefully defined. My fellow authors and I attempted such a definition in *Habits of the Heart*, but it was often ignored. The primary problem is that the word is frequently used to mean small-scale, face-to-face groups like the family, the congregation, and the small town—what the Germans call *Gemeinschaft*. There is a long tradition of extolling this kind of community in America. But when that is all that community means, it is basically sentimental and, in the strict sense of the word, nostalgic. And nostalgia, as Christopher Lasch wrote, is merely a psychological placebo that allows one to accept regretfully but uncritically whatever is currently being served up in the name of progress. It inhibits, rather than serves, serious social criticism.

Thus if the term community is to be useful, it must mean something more. Those philosophical liberals who tend to reject the term community altogether see society as based on a social contract establishing procedures of fairness, but otherwise leaving individuals free to serve their own interests. They argue that under modern conditions, if we think of community as based on shared values and shared goals, community can exist only in small groups and is not possible or desirable in large-scale societies or institutions.

A deeper analysis, however, reveals that it is possible to see this supposed contrast of contract versus community as a continuum, or

even as a necessary complementarity, rather than as an either/or proposition. Surely procedural norms of fairness are necessary in large-scale social institutions; but any group of any size, if it has a significant breadth of involvement and lasts a significant length of time, must have some shared values and goals. Consequently societies and institutions can never be based solely on contract, striving to maximize the opportunities of individuals. They must also, to some extent, be communities with shared values and goals.

But this reformulation leads to a further problem. Those who think of community as a form of *Gemeinschaft*, as well as their liberal critics, tend to think consensus about values and goals must be complete or nearly complete. Is such complete consensus realistic, or even desirable, in modern societies?

The answer, of course, is no. Yet this lack of unanimity need not create problems for supporters of community. While community-shared values and goals do imply something more than procedural agreement—they do imply some agreements about substance—they do not require anything like total or unarguable agreement. A good community is one in which there is argument, even conflict, about the meaning of the shared values and goals, and certainly about how they will be actualized in everyday life. Community is not about silent consensus; it is a form of intelligent, reflective life, in which there is indeed consensus, but where the consensus can be challenged and changed—often gradually, sometimes radically—over time.

Thus we are led to the question of what makes any kind of group a community and not just a contractual association. The answer lies in a shared concern with the following question: “What will make this group a *good* group?” Any institution, such as a university, a city, or a society, insofar as it is or seeks to be a community, needs to ask what is a good university, city, society, and so forth. So far as it reaches agreement about the good it is supposed to realize (and that will always be contested and open to further debate), it becomes a community with some common values and some common goals. (“Goals” are particularly important, as the effort to define a good community also entails the goal of trying to create a good one—or, more modestly and realistically, a better one than the current one.)

## THE INDIVIDUAL RECONSIDERED

Even given the claim that community does not require complete consensus, some people view with skepticism any effort to reach some common agreement about the good. Such a view is rooted in our culture's adherence to "ontological individualism"—the belief that the truth of our condition is not in our society or in our relation to others, but in our isolated and inviolable selves. It is this belief that tempts us to imagine that it is opportunity that will solve all our problems—if we could just provide individuals the opportunity to realize themselves, then everything else would take care of itself. If we focus on individual opportunity then we don't need to worry about substantive agreement or the common good, much less force any such notion on others. Each individual can concentrate on whatever good he or she chooses to pursue.

In seeking to solve our problems through individual opportunity we have come up with two master strategies. We will provide opportunity through the market or through the state. The great ideological wars of our current politics focus on whether the most effective provider of opportunity is the market or the state. On this issue we imagine a radical polarity between conservative and liberal, Republican and Democrat. What we often do not see is that this is a very tame polarity, because the opponents agree so deeply on most of the terms of the problem. Both solutions are individualistic. Whatever their opponents say, those who support a strong government seldom believe in government as such. They simply see it as the most effective provider of those opportunities that will allow individuals to have a fair chance at making something of themselves. Those who believe in the market think free competition is the best context for individual self-realization. Both positions are essentially technocratic. They do not imply much about substantive values, other than freedom and opportunity. They would solve our problems through economic or political mechanisms, not moral solidarity.

And yet the world of these ideological opponents, composed as it is of autonomous individuals, markets, and states, is not the world that anyone lives in—not even the free enterprise or welfare liberal ideologists. This ideological world is a world without families. It is also a world without neighborhoods, ethnic communities, churches,

cities and towns, even nations (as opposed to states). It is, to use the terminology of the German sociologist-philosopher Jurgen Habermas, a world of individuals and systems (economic and administrative), but not a lifeworld. The lifeworld missing in these conservative and liberal ideologies is the place where we communicate with others, deliberate, come to agreements about standards and norms, pursue in common an effort to create a valuable form of life—in short, the lifeworld is the world of community.

## DEMOCRATIC COMMUNITARIANISM

I want to sketch a framework that escapes the ideological blinders of current American politics and highlights what is missing in much of our debate. As opposed to free market conservatism and welfare state liberalism, I want to describe another approach to our common problems which I will call—borrowing from Jonathan Boswell in *Community and the Economy: The Theory of Public Co-operation*—democratic communitarianism. Democratic communitarianism does not pit itself against the two reigning ideologies as a third way. It accepts the value and inevitability of both the market and the state, but it insists that the function of the market and the state is to serve us, not to dominate us. Democratic communitarianism seeks to provide a humane context within which to think about the market and the state. Its first principle is the one already enunciated in what I have said about community: it seeks to define and further the good which is the community's purpose. I want to offer four values to which democratic communitarianism is committed and which give its notion of the good somewhat more specificity:

1. Democratic communitarianism is based on the value of the sacredness of the individual, which is common to most of the great religions and philosophies of the world. (It is expressed in biblical religion through the idea that we are created in the image and likeness of God.) Anything that would oppress individuals, or operate to stunt individual development, would be contrary to the principles of democratic communitarianism. However, unlike its ideological rivals, democratic communitarianism does not think of individuals as existing in a vacuum or as existing in a world composed only of markets and states. Rather, it believes that individuals are realized

only in and through communities, and that strong, healthy, morally vigorous communities are the prerequisite for strong, healthy, morally vigorous individuals.

2. Democratic communitarianism, therefore, affirms the central value of solidarity. Solidarity points to the fact that we become who we are through our relationships—that reciprocity, loyalty, and shared commitment to the good are defining features of a fully human life.

3. Democratic communitarianism believes in what Boswell has called “complementary association.” By this he means a commitment to “varied social groupings: the family, the local community, the cultural or religious group, the economic enterprise, the trade union or profession, the nation-state.” Through this principle it is clear that community does not mean small-scale, all-inclusive, total groups. In our kind of society an individual will belong to many communities and ultimately the world itself can be seen as a community. Democratic communitarianism views such a multiplicity of belonging as a positive good, as potentially and in principle complementary.

4. Finally, democratic communitarianism is committed to the idea of participation as both a right and a duty. Communities become positive goods only when they provide the opportunity and support to participate in them. A corollary of this principle is the principle of subsidiarity, derived from Catholic social teaching. This idea asserts that the groups closest to a problem should attend to it, receiving support from higher level groups only if necessary. To be clear, democratic communitarianism does not adhere to Patrick Buchanan’s interpretation of subsidiarity, which projects a society virtually without a state. A more legitimate understanding of subsidiarity realizes the inevitability and necessity of the state. It has the responsibility of nurturing lower-level associations wherever they are weak, as they normally are among the poor and the marginalized. Applying this perspective to current events, at a moment when powerful political forces in the United States are attempting to dismantle a weak welfare state, democratic communitarians will defend vigorous and responsible state action.

Nothing in this argument is meant to imply that face-to-face community is not a good thing. It is, and in our society it needs to be

strengthened. But the argument for democratic community—rooted in the search for the common good—applies to groups of any size, and ultimately to the world as a community. It is a political argument grounded on the belief that a politics based on the summing of individual preferences is inadequate and misleading. Democratic communitarianism presumes that morality and politics cannot be separated and that moral argument, painful and difficult though it sometimes is, is fundamental to a defensible stance in today's world.

### The Civilized World

*In 1881, a Brule Sioux chief, Spotted Tail, was killed by Crow Dog, a member of his tribe. The tribe, following Brule law, sent peacemakers to the families of both the victim and the killer. The goal accomplished by these peacemakers was the restoration of tribal harmony by securing from Crow Dog's family an expression of regret and an offer to pay Spotted Tail's family for the wrong done to them. The U.S. Supreme Court, maintaining that the United States lacked jurisdiction over "the murder of one Indian by another in Indian Country," expressed some dismay that they felt obliged to defer to "the strongest prejudices of savage nature" and to "the red man's revenge," instead of upholding the punishment that the federal court had thought appropriate for Crow Dog: execution.*

## A Gangsta's Rights

ROGER L. CONNER

A hallmark of the U.S. Constitution is that fundamental rights extend even to those people whom many would consider the least deserving—perhaps especially to such people. But in California, a court has interpreted this principle so broadly as to prevent communities from reigning in those who make their neighborhoods unlivable.

The case in question grew out of an innovative tactic, pioneered by Los Angeles District Attorney Gil Garcetti and *pro bono* lawyers from the law firm of Latham & Watkins. The strategy is to obtain injunctions that prohibit gang members from engaging in certain activities. The efforts have been so effective that they have been duplicated throughout the state. In San Jose, for example, residents of the Rocksprings neighborhood were constantly in fear of two violent street gangs. Gang members staked out their turf with graffiti, loud music, and urine. Gunshots and drug deals were commonplace, and car windows were frequently smashed. So in 1993, the city attorney brought a civil action to have six key gang members declared public nuisances. California District Court Judge Robert Foley sided with the district attorney and issued an injunction prohibiting the gang leaders from activities that harassed and intimidated the entire community. According to San Jose City Attorney Joan Gallo, arrests in the targeted area dropped by 72 percent in two years, and many gang-related problems were largely eliminated. As one enjoined gang member remarked, "There's nothing for me to do anymore."

But then the American Civil Liberties Union (ACLU) brought suit—and won. In *The State of California v. Carlos Acuna, et al.*, the California Court of Appeals vacated the injunction and adopted the ACLU's contention that gang members have a right to the tools and tricks of their trade. The three-judge panel held that activities such as

carrying crowbars and chains, possessing “slim jims” and spray paint, engaging motorists in traffic, and climbing trees to maintain lookouts, are all constitutionally protected. The court also maintained that gang members have a right to gather together for such purposes in public places. Apparently unconvincing was the trial court’s determination that, as a group, gang members used these actions as a direct means of intimidation, assault, theft, vandalism, drug dealing, and other crimes.

The California Supreme Court has agreed to review the ruling and many California jurisdictions are deeply worried about the outcome. Injunctions represent a breakthrough strategy in the effort to undermine youth street gangs. The *Los Angeles Times* reported that a civil order in Burbank dissolved a gang-run drug ring entirely. In Panorama City, gang activity was reduced by 70 percent. The Los Angeles County Sheriff noted that in the six months after an injunction took effect, Norwalk police, who had been summoned to a gang-plagued neighborhood an average of eight times a day, were called only *once a month* on gang-related incidents.

The injunctions, by preventing gangsters from flaunting their gang affiliation and congregating in specified public areas, directly attack the sense of collective impunity that drives gang activity. They thus give the community the leverage it needs to face down threats of violence and rebuild a culture of respect. And while supporters admit that civil orders must be only one part of a wider anti-gang effort—an effort that would include education, youth diversion, community policing, and traditional law enforcement—they are powerful preventive tools.

#### DEFINING A NUISANCE

The ACLU’s lawyers insist that it is impermissible for a court to issue a civil order to prohibit gang members from any act that is not expressly illegal. “The issuance of injunctions makes some activities criminal that would not otherwise be criminal,” said Amitai Schwartz, the ACLU lawyer challenging the San Jose order. “It’s a shortcut for law enforcement [and] an end run around constitutional protections.” The Court of Appeals agreed: an individual may be forbidden from illegal acts like dealing drugs, but not from anything that is

ordinarily legal. In other words, gang members cannot be prohibited from brandishing heavy chains or crowbars, even when such weapons constitute an implicit threat to anyone who fails to show proper compliance.

The city attorney had countered that any activity that constitutes a public nuisance *is* a crime. The California Penal Code defines a public nuisance as “anything which is injurious to health, or is indecent, or is offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community, or by any considerable number of persons.” The appellate court opinion in *Acuna* cited this definition but, adopting the ACLU’s reasoning, narrowed the meaning of the word “anything” in the statute to apply only to “criminal activity” as defined by other statutes. Thus, the court held, any activity that could “have legitimate non-criminal purposes...may not be judicially enjoined.”

It is this holding that most perplexes critics of the ruling. For, in fact, the law is filled with many examples of otherwise lawful acts that are enjoined because, in context, they amount to unreasonable behavior. Abusive spouses are ordered to stay a certain distance from their victims, though walking is itself hardly criminal. Playing music, yelling, and applauding are enjoined when an establishment’s noise level consistently disturbs its neighbors, though at a stadium rock concert these activities are legal and encouraged. Other examples abound.

## BALANCING THE FIRST AMENDMENT

The ACLU has also used the *Acuna* case to get the courts to broaden the range of association protected by the First Amendment. It is the position of the ACLU that the First Amendment’s protection of expression includes all personal association. The San Jose injunction infringes on this right, lawyers argue, by prohibiting gang members from congregating on the four square blocks they call their turf—where, incidentally, not one of them lives. Adopting this view, the California appeals panel stated that “non-criminal associational conduct cannot be enjoined solely on the basis of [gang] membership.”

The U.S. Supreme Court has repeatedly rejected such an interpretation, however, maintaining that the Constitution does not create a right to associate for social purposes. Only association that is directly linked to expressive purposes, such as petitioning the government, is constitutionally protected. In *The City of Dallas v. Stanglin*, for instance, the high court ruled against a dance hall owner who claimed that restricting 14- to 18-year-olds from his club late at night violated their associational rights. Furthermore, in *Bailey v. City of National City*, the court upheld a police department policy that caused an officer to be fired for his “continuous associations” with a known felon. The ruling was based on the grounds that, absent some significant expressive component, laws regulating social relationships are not subject to First Amendment scrutiny. In other words, for Constitutional purposes, gang membership is not the equivalent of joining the NAACP or the Republican Party.

This is not to deny the fact that these injunctions can walk fine constitutional lines at times. Some judges have prohibited wearing gang insignia and displaying gang signs. While the First Amendment extends to all, “fighting words” have never been protected. The California high court should thus permit civil orders in this area when a trial court judge finds that, as a matter of fact, colors and signs are used to intimidate others in the community.

In an era of mandatory minimum sentences and high incarceration rates, civil injunctions provide a viable alternative to criminal convictions—a way for the community to intervene in wayward kids’ lives before the trouble gets too serious. Moreover, by making it difficult for gangs to operate, injunctions make it harder for gangs to recruit impressionable youngsters in the first place. The ruling in *Acuna* has left Rocksprings residents afraid that they will be forced once again to keep their children indoors at all times, to return home themselves before dark, and to face violent retaliation for cooperating with police. It is the right of these citizens to the peaceful enjoyment of their homes and streets that deserves protection, and not some ersatz right to operate an intimidating gang.

## Hope Dreams

WIGHT MARTINDALE JR.

The most popular outdoor basketball court in New York City is half the regulation size, offers no place to sit, and has sidelines bounded by a chain-link fence 20 feet high. Those who play here are literally encaged. Yet this ridiculously inadequate court, on West 4th Street in the heart of Greenwich Village, has drawn the likes of Denzel Washington and Cazzie Russell for pickup games. And the summer league based here is probably the most prestigious in the city. Each year, the West 4th Street League attracts more than 30,000 spectators—city-dwellers and tourists—who stand in blistering heat just to glimpse their favorite players and snap up league T-shirts at \$12 apiece.

West 4th Street basketball owes its popularity to the inner-city leadership of its volunteer commissioner, a limousine driver named Kenny Graham. With little support from city hall or local civic groups, he has spent the last 18 summers building the league into a New York institution. Lloyd Daniels, Mario Ely, Anthony Mason, Rod Strickland, and Jason Williams honed their skills here before going on to NBA careers, and some of them still show up during the off-season. Former pros like Detroit's Kelly Tripuka mix it up with high school dropouts.

West 4th Street has developed its share of stars, but this is not the league's true purpose. In an era of commercialized sports, it is important to understand the contributions of a community league composed primarily of players whose glory days are over—25- to 35-year-olds with talent and pride, but no NBA contracts. The league and its fans cherish players the media overlook, while putting sports and sportsmanship back into the community. It is midnight basketball played in broad daylight and without government handouts.

The documentary film *Hoop Dreams* dramatizes the pathos of the nearly-great athlete. William, a high school phenom from Chicago,

ponders his future as a scholarship recruit. In the final moments of the film, William reflects on all the people who have asked him, "Will you still remember me when you're a big star in the NBA?," and says, "I should've asked them, 'Will you still remember me if I'm not?'" Promising inner-city players are typically groomed from the age of 12 or so. This process has obscured the virtues of athletic competition and replaced them with illusions of easy wealth. For a lucky few, lucrative professional careers represent a materialistic triumph and escape from the neighborhood. Graham's league, on the other hand, showcases those who cannot escape, who must remain behind and make their community work.

Founded in 1968, the league struggled along for several years with only eight teams, unreliable funding, and a shortage of referees. Today, Graham runs the oldest summer-basketball program in New York City. There is a game every day of the week in June, July, and August, and five on Saturdays and Sundays. Each year, more than 600 players altogether participate in the 24-team men's division, a women's division of six teams, and an eight-team division for boys 15 and under. Its prowess is known nationwide. Last year the Summer Pro-League outdoor championship, sponsored by Nike and shown on ESPN, was won by the defending champions from New York. But that team, which defeated a Chicago squad in the finals by 30 points, had finished second at West 4th Street.

#### LESSONS IN SELF-DISCIPLINE AND RESPECT

The tiny court must hold two referees and 10 quick and often large players, so personal fouls proliferate. That makes refereeing difficult. "No one wanted to come down there to ref because West 4th Street was very rough," Graham says. "The first year I was commissioner, we had only one incident, and I took a stand. The players knew right then that I would not walk away from a problem." Arizona Pearson, who has played in the league for 11 years and now directs its youth program, has watched Graham keep the peace. "Kenny gets in the middle," he says, "but you have to do that, you have to be in control. With Kenny, it takes a lot to get him upset. If there's shouting and threatening, people apologize afterward."

Only 2 percent of New York's good collegiate players make it to the pros. West 4th Street smooths the transition for many of the remaining 98 percent. The close of a competitive career can prompt an emotional letdown and demoralize young men with leadership abilities. Tony Hargraves was the co-captain of Iona College's basketball team in 1984-85 and was named an Honorable Mention All-American by the Associated Press, but he could not get a professional contract. Now an operations manager at Bear Stearns with a home and family in the suburbs, he continues to play regularly in the cage. "Good players still have a desire to play against people at their own level," Hargraves explains, "and West 4th Street offers this." When NBA players show up, regulars treat them with respect, but they also relish the chance to show up the professional athletes.

Pearson sees the role of competitive basketball in the city quite clearly: "Of course it is fun, you can work off frustrations. But it's really about getting respect. That's what living in the city is about, you know." At West 4th Street, that means being looked up to by others. It is not the same as the fashionable notion of "self-esteem," which is of little use on the streets.

Graham's idea of respect is not built on fear. "I'm not militant and I'm not a cult leader," he explains. "I want people to learn they gain respect if they give respect. That's the bottom line....Often black organizations are poorly run, and I tell players, 'When you carry on, you reinforce stereotypes. If you make us and the league look bad, we could wind up with no league—and then you would have no chance to showcase your talents.' We want a mutual respect for peers....And respect for a program and an organization."

## A MAGNET

Fans must arrive early to reserve a good spot at courtside. For big games—the playoffs or the all-star game—youngsters sit on the fence or hang from tree branches. Graham or one of the staff uses a bullhorn to announce the games, and their commentaries are humorous, improvisational performances.

The league has become an integral part of the lives of its 600-plus participants. Most of the players do not live in the neighborhood.

They come mainly from Brooklyn, Harlem, or the Bronx to the playground here because they like to play before the big crowds in the Village.

Sid Jones, a Brooklynite who has been coaching winning teams for 15 years, is particularly attuned to the sense of community the league has developed. “Generally, people don’t spend time getting to know each other, but at this park, you meet people,” Jones says. “The people you meet may help you in other parts of your life. Kenny and the league have been bringing people together for years, and it’s now a community. You wonder, why can’t people get along like this outside of sports?...Just about every subway line stops here, so you get people from all walks of life. It’s a real melting pot. Players will come here when they won’t go everywhere else. And I’ll tell you, when you win a big game down here, you don’t want to go home.”

The city government provides the league nothing except a permit to play. “They are not that concerned with us,” Graham says, “because they see we are doing OK. They are worried about their own programs. Occasionally a mayor will come down here to help get some votes....But they are not here to help the league.”

Graham never passes the hat. He and a few of his staff were once granted the status of part-time employees by the New York City Parks Department, but that was discontinued years ago. Money to run the league now comes exclusively from entry fees—\$500 per team—and corporate sponsors. The principal sponsor for the last two years has been Fila, Inc., a sportswear manufacturer, which subsidizes uniforms and gives sneakers to each team. Since 1986, Nobody Beats the Wiz has provided television sets for the winners of the Most Valuable Player and Sportsmanship awards. The nearby McDonald’s feeds the staff more than 500 free meals each summer. The maker of Olde English 800 malt liquor provides a scoreboard and money for trophies and shorts.

#### A REPUTATION WELL EARNED

None of the league’s successes—its local following, corporate sponsorship, and national recognition—would be possible without its reputation for serious, disciplined basketball. So Graham insists

upon high standards of behavior. A public league held in a public park draws all kinds, and no one can be refused admission, but Graham works hard to maintain the dignity of the league. Sometimes a player or fan will challenge this. “One day right after a game, a guy on one of the teams dropped his pants,” he recalls. “I didn’t think it was funny. I laced into him something fierce. I embarrassed him right on the spot. What he did was totally wrong.” As commissioner, Graham’s decisions are final. If a player starts fights or disgraces the league in any way, he is banned for the season.

Graham is a gifted leader who embodies positive thinking—a trait necessary for entrepreneurs, but rare among administrators. Graham also takes great pride in delivering what he promises. Once when the TV prizes were held up due to a clerical snafu, he didn’t hesitate to cover the costs. (Eventually, he was reimbursed.)

Graham’s devotion to excellence and good manners filters throughout the neighborhood. Good-humored and charismatic, he can quickly summon dozens of helpers to do whatever is needed—keeping score or sweeping the court before games. Afterward, they leave the whole area cleaner than before. In this way, even street people become part of the league culture. “We take all kinds,” says Graham. “We’re all human beings. Sometimes people will tell me to get rid of a guy who maybe has a drinking problem. I say, if a man has a problem and I can help him, I will. Everybody can’t be on the level we’d like them to be. Some guys have gone through their whole lives being rejected, but I will help somebody who wants to be helped. I can deal with them.”

Graham is proud of the fact that the league plays a part in the lives of many players and staff, even those who do menial work. “Many guys down here are not part of anything but a joint or a bottle of wine,” he says. “We give them an identity above that stuff.” Graham, who shuns smoking and alcohol, does not allow even surreptitious drinking in the park during games. He has also been known to chase smokers away, even though smoking is legal. He feels it creates a bad atmosphere for the kids who come to watch. He often reminds players that they are “guests” in the neighborhood.

Even those who never became professional grow as players and as individuals. One of these persons is Tony Sherman, one of the best

players in the league never to enjoy a good prep career or go to college. "He used to live down there," says Hargraves. "Every day at 3 o'clock he'd be there working on his game. He's now a great player, and he's done it without a good high school record or any college experience....At the park he became popular and he gained respect. That's a big thing in New York City." Pearson agrees: "Sherman's grown a lot. He could have been a troublemaker, but he watches his mouth now."

Sherman has gradually earned the recognition he craves for his talent. He has come to follow the example set by Graham and some of the older players, and takes defeats with dignity. "Sherman was once the king of the park," says Graham. "Many guys respected him out of fear. Now he's older, he's got responsibilities. I think he's realized that people give him respect. It's an important difference."

Graham is not driven by paternalism or guilt, nor even by altruism. Like his players, he is motivated instead by a need for personal recognition and respect from the players and the basketball community. "It's nice to have people say, 'I'm glad you're back,'" he says. Players and staff alike seek the rewards that come with excellence, not charity. "I tell them you don't have to love me...but you should respect me."

Graham believes that other communities can duplicate the success of West 4th Street. First, he says, "Develop a following. Develop a symbol. Our symbol is West 4th Street, playing in a cage. Our shirts are known all over New York—every kid wants one." Second, "Develop people with character. You've got to let people know that you don't have to be out there, you've got a job and other things in your life. They can't just do what they'd like to."

Sociologists like to point out that chaos and disorder are common aspects of malfunctioning inner-city families. One of Graham's great talents is for organization: it is he, not some government agency, that provides continuity for these New Yorkers. The order originates within the community rather than being imposed from without. There are lots of Kenny Grams in every community. If such leaders are encouraged, they will come.

## Making Sense of Multiculturalism

David A. Hollinger, *Postethnic America: Beyond Multiculturalism*

New York: Basic Books, 1995, 210 pp.

Reviewed by Alan Wolfe

Communitarians, by definition, are in favor of community. But in a world divided by deep loyalties stemming from different races, ethnic groups, and genders, which notion of community should they favor?

Almost any answer to this question brings into conflict key communitarian values. One version of communitarianism—let us call it the *expansive* form—believes that individuals have obligations and duties to as many persons as possible. Expansive communitarians judge the efficacy of public policies by the broadness of their application. Whatever is good for one should be good for all. Universalism is thus a key feature of expansive communitarianism. A policy or a program is good if it applies to all in roughly the same measure. Since only government can generally bring about universalistic results, expansive communitarians tend to identify the community with the state. This is doubly reenforced among those who are expansive in their communitarian vision, but not so expansive that they believe our obligations to strangers are as strong to those living outside our borders as they are to those with whom we share citizenship. Such expansive communitarians identify not only with the state, but with the nation.

But when obligations and duties are stretched thin, they tend to atrophy, becoming so abstract that they can barely command commitment. Communitarianism, consequently, has been much more frequently proclaimed in *limited* rather than in expansive form. This

version of communitarianism suggests that those communities that mean the most have the strongest moral claims on their members. Community is furthered by encouraging a common language, the sharing of common traditions, and the telling and retelling of common narratives. Public policies should be judged not on their universality, but on the degree to which they reenforce a sense of membership and belonging. Not only do we have fewer obligations to those outside our national borders, we also have fewer obligations to those inside them but at far remove. We ought first to ensure that our ties to families, neighborhoods, social clubs, and religious organizations are strong before we water down our commitments. Limited communitarianism does not identify community with the state but with the town, the region, or the group. Its objective is a rich and meaningful group life, not necessarily one in which every individual, and every group, is treated the same way.

Because communitarians tend to believe in both broad and meaningful obligations, they have a tendency to argue that it is possible to have both strong local ties and binding national ones. Yet by engaging in such a balancing act they put themselves on neither side in the most burning issue of contemporary American politics: multiculturalism. Some communitarians are sympathetic toward the efforts by minorities, women, and religions to advance the claims of the groups to which they belong. After all, at a time when individualism is seen as rampant, any constraints on selfishness ought to be welcome. If individuals learn—from strong identification with others of their race or gender—the need to suppress self-interest for the sake of the group, that is a lesson communitarians ought to appreciate.

But, critics of multiculturalism are likely to respond, the extreme forms of multiculturalism are not an antidote to individualism but a more extreme version of it. Groups, to be sure, substitute for individuals, but each group seeks to maximize its advantages relative to other groups, thereby continuing a Hobbesian war of all against all. Members of each group, the argument continues, might be taught to respect their co-religionists or those who share their ethnic or racial identity, but at the cost of fanning hostility to those who do not. Whatever obligations are strengthened within, even more are loosened without. Communitarians therefore ought to oppose bilingualism, strong forms of affirmative action, and efforts to weaken the

separation between church and state—all on the grounds that they are incompatible with cultivating a strong sense of obligation to the nation-state, the primary form community takes in the modern world.

David Hollinger's *Postethnic America: Beyond Multiculturalism* is a welcome addition to a slowly burgeoning literature that tries to capture what is valuable in limited versions of community without sacrificing expansiveness. (Other works in this vein include Yael Tamir's *Liberal Nationalism* and Michael Lind's *The Next American Nation*.) Hollinger argues that it is vital to affiliate with, but not necessarily to identify with, strongly defined groups. A politics of identity is too close to tribalism, biological determinism, and essentialism for Hollinger, who retains a liberal faith in choice. But one of the things that individuals choose are their group memberships. Liberals need to recognize that boundaries help those who live within them make sense out of the world. The important thing is to draw the boundaries right, not to abolish them in the name of universal solidarity with all, or to reify them in the name of ethnic loyalty.

“How wide the circle of the ‘we,’” Hollinger writes, “may be the great question in an age of ethno-centered discourse.” Hollinger defends cosmopolitanism from pluralism, the latter being an ideology which “respect[s] inherited boundaries and locates individuals within one or another of a series of ethno-racial groups to be protected and preserved.” But he also distinguishes between cosmopolitanism and universalism:

Cosmopolitanism shares with all varieties of universalism a profound suspicion of enclosures, but cosmopolitanism is defined by an additional element not essential to universalism: recognition, acceptance, and eager exploitation of diversity. Cosmopolitanism urges each individual and collective unit to absorb as much varied experience as it can, while retaining its capacity to advance its aims effectively. For cosmopolitans, the diversity of humankind is a fact; for universalists, it is a potential problem.

These three forces have shifted allegiances through 20th century American history, Hollinger argues. In opposition to nativism, cosmopolitanism and universalism seemed indistinguishable, despite their differences. Now pluralists and cosmopolitans have a great deal

in common, but they are divided because advocates of diversity—relying on Statistical Directive 15, issued by the Office of Management and Budget in 1977—speak of five nations in America: whites, blacks, Asians, Hispanics, and Native Americans. These terms make little sense, Hollinger points out. This “ethno-racial pentagon” also violates the feeling that most Americans have that they belong to a common nation. But the most important consequence of multiculturalism is to force cosmopolitans closer to universalists than to pluralists, which ultimately works to the detriment of the latter.

*Postethnic America* therefore concludes with a powerful plea for an American nation. Against both ethnic particularists and free-trade universalists, Hollinger calls for national citizenship—and with it, national obligations. Although he does not spell out his political program in any great detail, he does make it clear that if we had a stronger sense of ourselves as a civic nation, we could make a stronger case for public policy provisions that would carry out our obligations to even the poorest Americans (or any race or ethnicity), while not imagining ourselves as the world’s problem solver. A postethnic America will be a diverse country unified around a common vision of the American experience.

Hollinger’s common sense and old-fashioned liberalism ought to be welcomed by all those struggling with questions of community. Reading this book is like breathing pure mountain air when one has been long in the suffocating valleys of struggles over identity. The United States has come through earlier battles over group membership in good health. If more people speak like Hollinger, we will do so once again when the battles over multiculturalism are long forgotten.

## The Dilemmas of Assimilation

Seymour Martin Lipset and Earl Raab, *Jews and the New American Scene*

Cambridge: Harvard University Press, 1995, 239 pp.

Reviewed by Steven Brint

The organizing theme of Seymour Martin Lipset and Earl Raab's new book is that American society's unusual receptivity to the Jewish people has led to such a high level of assimilation that the Jewish community is in danger of losing its distinctive identity. Lipset and Raab clearly think that the loss of a Jewish community would be a loss not only for Jews themselves, but for American society. Here is the irony: In the open society of the United States, the Jewish community may become a victim of a success built (in part) on qualities borne of community.

The Jewish pattern follows the pattern of other older ethnic and religious groups in the United States. By the third generation, ethnic identity in America begins to mean not much more, as Lipset and Raab put it, than "celebrating old-country food, music, and snippets of language." Compared to other older ethnic groups, the Jews have been able to sustain a somewhat stronger identity for a longer period of time, Lipset and Raab argue, because of the centrality of common religious traditions to the Jewish community. Without religious observance, they argue, Jewishness inevitably fades ever more completely.

For readers of *The Responsive Community*, this book raises significant questions about why ethnic communities persist and about their value for the larger society. Lipset and Raab make a useful distinction between ethnic groups that require defensive solidarity and those that do not. Latinos, Native Americans, and African-Americans have an interest in ethnic solidarity for purposes of protecting their beleaguered social circumstances. Other groups, which have a stronger presence in the middle and upper-middle classes, have a lesser need for this defensive solidarity, though the communal impulse and the commitment to some distinctive group quality may persist for some time even in the absence of a defensive need. For Lipset and Raab the

strong form of community is essentially a protective device for the weaker groups in a society, or for those who wish to remain apart from the homogenized mainstream.

The distinction Lipset and Raab make between the individualistic assimilation of the more privileged strata and the defensive solidarity of the less privileged can be pushed too far. Every sociologist who has looked seriously at the behavior of corporate managers, for example, has reported quite a bit of solidarity, both defensive and otherwise. The more important question, however, is why do Lipset and Raab seem to regret the passing of Jewish community? After all, a large part of the thrust of the book is that assimilation into the “individualistic,” non-ethnic mainstream is the ultimate destination of successful ethnic groups in the United States—and ought to be. Defensive solidarity may be necessary first for survival and then for success, but once it has done its work, who needs it? Insofar as they give an answer, Lipset and Raab suggest that Jewish identity is necessary to keep religious traditions going, to back American support of Israel, and to guard against any possible upsurge of anti-Semitism.

But there is another possible answer to this question. It seems to me that Jewish culture continues to contribute many qualities that mainstream America badly needs—such as a non-Darwinistic moral sensibility, a strong commitment to pluralism, a sharp wit, a critical edge, and intellectual depth. The Jews obviously have no monopoly on these qualities, but they are characteristic of the Jews as an urban, highly educated group with a history of social marginality. American middle-class society without the Jews would be a more self-satisfied and less lively place than it is.

Religious Jews may be, as Lipset and Raab suggest, key for defending Judaism, for supporting Israel, and (to a lesser degree) for guarding against bigotry. But secular Jews are the ones who more often sustain the qualities of character and mind that the Jews also bring to the United States, and here ties of sensibility are more important than religious traditions. Still, Lipset and Raab make a good point: sensibility is a weaker reed than religious traditions, and it may be that secular Jews will increasingly come to understand the significance of religious traditions as the root and the fortification of what they value in the Jewish sensibility.

As might be expected from a book co-authored by Lipset, the leading political sociologist of our era, *Jews and the New American Scene* includes valuable data-based discussions of the socioeconomic achievements and the politics of contemporary American Jews. It also includes an authoritative discussion of the trajectory of American anti-Semitism. This discussion is marked particularly by a sensitivity to critical details in the data, such as the surprising willingness of some two-fifths of Americans as late as 1964 to indicate that a political candidate's anti-Semitism would make no difference to them in determining their vote. The book also includes one of the most sensible discussions of contemporary black-Jewish relations that I have read. Lipset and Raab observe that African-American anti-Semitism represents "the classic scapegoating syndrome, wrapped around a benign social message that is attractive to a disadvantaged and embittered population," but is less threatening than many other instances of the syndrome both because of its relatively shallow roots in the African-American community and because of the increasingly powerless position of blacks in the contemporary United States. Overemphasizing (and underanalyzing) the anti-Semitism of such African-American leaders as Louis Farrakhan is one way that some Jews have found to distance themselves from black America. This tack will be less easy to take after Lipset and Raab than before.

This is not one of the major works of Lipset's *oeuvre*. American and Jewish virtues are rendered in colors that dominate the canvas too completely and a few stock characters figure too predictably as supports for the leading themes. Still, it is a good enough book to put on the shelf next to other key works on American ethnic and religious groups. It is distinguished by the characteristic Lipset blend of omnivorously gathered and judiciously reported survey data, telling historical comparisons, vigorous supporting quotations, and crisp analytical passages—all delivered in a taut and fluid prose. Even in its thinner spots, it is a style that surpasses almost anything else we have in contemporary social science.

## Especially Noted

JEREMY G. MALLORY

James C. Crimmins, *The American Promise: Adventures in Grass-Roots Democracy* (Los Angeles: Farmer's Insurance Group, 1995). 3 hrs. (Available to teachers and other educators. Call 213/932-3518.)

This television series, which first aired in October 1995, seeks to challenge those who claim that American democracy is dead. The series (and accompanying book and teacher's guide) focuses on 50 "parables" of people and communities involved in making democracy work across the United States. The program itself is divided into nine parts: three sets of three. "Of the People" focuses on the three foundations of democracy: freedom, responsibility, and participation. "By the People" explains how the tools of democracy—finding information, engaging in deliberation, and making hard choices—work together. Finally, "For the People" shows the challenges inherent to democracy: seizing opportunity, using leverage, and finding common ground.

Each segment is simple, the parables are clear, and the stars are regular people. The parables are not all of modern democracy in the United States, however. Three historical segments use Revolutionary America, Ancient Greece, and Renaissance Florence as examples of democratic principles that are still pertinent. Despite the program's optimism, it does not simply echo Pollyanna. It acknowledges that democracy can be hard work, and some of the segments show the messiness and inefficiency that are inevitable parts of the democratic process.

Newton N. Minow and Craig L. LaMay, *Abandoned in the Wasteland: Children, Television, and the First Amendment* (New York: Hill and Wang, 1995). 237 pp.

In 1961, Newton Minow, then chairman of the Federal Communications Commission, called television "a vast wasteland."

Thirty-five years later his verdict is the same. Minow and LaMay take a serious look at television's effect on children; they examine why nothing has been done on a large scale to improve the situation; and they propose concrete solutions (including a draft of a bill) to address the problem. Their arguments about how the "public interest" commitment of the FCC has been hollowed out by misinterpretations and misapplications of the First Amendment shed new light on America's most important freedom—and how to stop abusing it.

Liz Greenhalgh and Ken Worpole, *Park Life: Urban Parks and Social Renewal* (London: Demos, 1995). 99 pp.

This study of park use in the United Kingdom, in conjunction with 12 working papers, forms the core of a plan for reviving parks as a center of communal life. Broad-based surveys were taken to ascertain a profile of what people want out of a park and what they feel is wrong with current park systems. The conclusion makes policy recommendations that attempt to balance the needs and desires of all of the different constituencies that use the parks: the old and the young, individuals and families, private gatherings and public festivals.

Alice Hubbard and Clay Fong, *Community Energy Workbook: A Guide to Building a Sustainable Economy* (Snowmass, Colorado: Rocky Mountain Institute, 1995). 264 pp.

The *Workbook* provides a guide for both households and communities. The book contains not only reasons why energy efficiency is important and some solutions that can be easily implemented by anyone, but also a guide for grassroots action. A step-by-step guide for mobilizing one's community—from how to "sell" the idea to the logistics of planning and advertising a town meeting—seeks to make acting on these ideas much easier. By describing numerous case histories of communities that have saved hundreds of thousands of dollars, the authors seek to provide both direction and encouragement.

Jennifer Toth, *The Mole People: Life in the Tunnels Beneath New York City* (Chicago: Chicago Review Press, 1993). 267 pp.

The author's description of the world beneath New York City reveals the social order of a culture that often escapes observa-

tion. Over the course of a year of crawling through abandoned tunnels, banging secret codes on steam pipes, and interacting with the range of people who populate this twilight world, Toth compiled a portrait of a fully formed web of communities that fall outside mainstream American life. For various reasons—bankruptcy, eviction, criminal record, choice—these people have found a home in the tunnels. And, with very few exceptions, they have also found (or, more often, made) community: a place to live, a web of social interactions, and even familial relationships.

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# LIBERTARIANS, AUTHORITARIANS, COMMUNITARIANS

DAVID E. CARNEY

## From the Libertarian Side

Oy Vey!

On October 2, 1995, the 4th U.S. Circuit Court of Appeals affirmed that George Bargout did not have to pay a \$400 fine for defrauding his customers who thought they were purchasing kosher hot dogs. The court ruled that the ordinance that regulates labeling food as kosher involves an unconstitutional entanglement of church and state. The ruling stems from a 1990 incident when rabbinical food inspectors, paid by the City of Baltimore, cited Bargout for allowing the grease of nonkosher items to mingle with kosher items. While Bargout's attorney argued that an unnecessary entanglement was created by the kosher regulations, the city's attorneys countered that because the kosher designation was created to protect both Jewish and non-Jewish customers from fraud, the ordinance did "not create a denominational preference."

Similar kosher laws in over 20 states could be in jeopardy as a result of the ruling. City attorneys are considering an appeal to the U.S. Supreme Court.

*The Washington Post, 6 October 1995*

## A Little Uniformity Goes a Long Way

The American Civil Liberties Union (ACLU) has stepped up its efforts to overturn school uniform regulations in districts across the nation. In California, the ACLU has filed suit against the Long Beach Unified school district claiming that the dress-code policy poses an

undue monetary burden to poor families, that the opt-out policy is not publicized enough, and that those who have opted out are harassed by the school administration. (The ACLU has made similar claims in a suit pending against the Oakland school district.) Beth Haire, a plaintiff in this suit, argues, “I just do not see how this is benefitting the kids at all. Freedom of expression would help them in life.”

Proponents of school uniforms point to the many positive results of a dress code. Parents cite cost as an advantage: uniforms allow families to save considerable amounts of money, according to some recent studies. More important, a comparison of pre- and post-dress code rules infractions indicate substantial declines in assault and battery, fighting, drug cases, and sex offenses—changes that are at least somewhat attributable to the elimination of gang regalia from the school environment. Kyle Brannon, an 11-year-old student, sums it up this way: “I like them [dress codes] because it’s harder for other people to get in. There are not as many fights and weapons. I used to have a fear of coming here, of being beaten up. I’m not scared of anything anymore.”

The uniforms in Long Beach schools are not mandatory. Because the U.S. Supreme Court declared clothing a mode of self-expression, school districts have to craft their dress codes with care. School districts must, as Long Beach does, offer students and parents the option of not participating in the program. Though the program is voluntary, only 400 students—fewer than 1 percent—opt out of the Long Beach program. This figure is down from the previous school year.

*The Washington Post, 8 November 1995*

### And Who Will Take Care of the Orphans?

The recent transportation legislation that eliminates national maximum speed limits, removes incentives for states to enact motorcycle-helmet laws, and eases the federal safety rules on small trucks will cost taxpayers \$5 billion in grants to states for highway improvements. According to some, there are other costs that the bill fails to mention. The Public Citizen, a consumer group, predicts a \$19 billion increase in public health expenditures. And the Transportation De-

partment estimates that an additional 6,400 persons will die each year on the highways as a result of the increased speed.

Gannett News Service, *28 November 1995*

## From the Authoritarian Side

Kudos to the ACLU...

Over recent months, the Virginia Department of Corrections has revoked privileges granted to inmates and created stricter new regulations. Inmates at one prison previously received a birthday cake from the Baptist Women's Missionary Union, but the church group is no longer permitted to perform this service. At another prison, inmates' stepchildren are now prohibited from attending Family Day, an event which has itself been reduced from a cookout to a gathering around a couple of vending machines. And while prisoners throughout the system used to be able to speak face-to-face with the media, now all questions about the department and its policies go through Director Ron Angelone's office, which announced that it intends to eliminate prisoner-media interviews altogether. The Department of Corrections plans to monitor and record all telephone calls by inmates, except calls to lawyers. Also under consideration are limiting visits to eight hours a month for each inmate and conducting criminal background checks on all visitors.

What has brought about these changes in policy? According to Amy Miller, a spokeswoman for the Department:

There is no specific reason which has guided these changes. The department continually reviews its procedures and strengthens them when necessary. Many of these programs have been in the conceptual/discussion stage for well over a year and are just now coming to fruition.

Inmates and prisoner's-rights groups have decried the measures as unnecessary and potentially counterproductive. Kent Willis of the Virginia chapter of the American Civil Liberties Union reflected:

One has to wonder what they're up to. Virginia doesn't have the security problems to justify these kinds of measures. And the cost factor doesn't make any sense because all of these are likely to cause behavioral problems, and behavior problems are the most costly.

Jean Auldridge of Citizens United for the Rehabilitation of Errants sees the likely impact as an increased alienation and isolation of prisoners.

*The Roanoke Times & World News, 12 November 1995*

### The Long Arm of Pat Robertson

During the second week of November, Pat Robertson's Christian Broadcast Network (CBN) effectively stifled the advertisement campaign of Parents, Families and Friends of Lesbians and Gays (P-Flag). Two 30-second ads had been offered to television stations in Washington, Tulsa, Houston, and Atlanta. The first contains a scene of a young girl who is contemplating suicide, while Robertson, Jerry Falwell, and Jesse Helms are shown condemning homosexuality. At the end of the message a narrator says that an estimated 30 percent of teenage suicide victims are homosexual. The second ad mingles the video of a young man being beaten by a group with video and audio tracks of Robertson and Falwell declaring that homosexuality is "an abomination" and that "God hates homosexuals." At the end of the commercial Nancy Rodriguez tells the viewers that her son died as a result of a gay bashing.

Mitzi Henderson of P-Flag explained that the message is, "Wake up and join us in opposing hate speech." Seconding this view, Sandra Gillis, also of P-Flag, said, "Watch your words. They can create a climate in which violent people think their violent action is okay."

CBN saw nothing "okay" about the ads or their tactics. Bruce D. Hausknecht, associate general counsel of CBN, drafted a letter to station managers in which he wrote:

The spots contain defamatory material and cast Pat Robertson and CBN in a false light by implying that Pat advocates/promotes heinous crimes against gays or directly caused the suicide of one or more homosexual persons. This is outrageously false and severely damaging to the reputation of Dr. Robertson and this ministry.

He warned that if stations did not voluntarily reject the ads, CBN would “immediately seek judicial redress against your station”—injunctions and damages.

While eight stations refused to carry the ads, two stations and two cable operators in Washington and Tulsa agreed to carry them. As P-Flag suffered a setback, so did Rodriquez, the mother of the gay-bashing victim. She was dismissed from her job at an auto care shop for, she claims, her involvement in the campaign.

*New York Times, 12 November 1995*

## From the Community at Large

### Wal-Mart: Falling Prices and Barriers

At the end of the summer, Wal-Mart instituted a religious discrimination training program aimed at heightening the awareness of—and preventing—discrimination at its 2,173 stores. In the settlement of a religious discrimination case, in which Scott Hamby alleged that he was fired when he refused to work on his Sabbath, Wal-Mart agreed to reasonably accommodate employees’ religious beliefs.

The Hamby case is one of an increasing number of Equal Employment Opportunity Commission (EEOC) suits based on religious discrimination. The EEOC reports that the number of religious discrimination charges filed with state and federal agencies rose from 2,200 in 1990 to 2,900 in 1994. The number of cases revolving around “reasonable accommodation” rose 70 percent from 1993 to 1994.

The Wal-Mart case is seen as a watershed, not merely because it involves the nation’s largest retailer, but because of the nature of the settlement. Wal-Mart agreed to a financial settlement with Hamby, to “take reasonable steps and use its best efforts” to convene a meeting of managers to inform them of the right to reasonable accommodation, to train hiring and scheduling managers on the finer points of religious belief, to prepare a manual explaining employee rights and religious discrimination, and to hire 30 to 40 regional staff trainers. Charlyn Jarrells, an attorney for Wal-Mart, said that, though an

“honest mistake” was made, “we think that all employers have a responsibility to train employees on all aspects of discrimination.” Additionally, since Wal-Mart already has training programs, the added expense will be minimal.

Mathew Staver of Liberty Counsel, a religious civil liberties group, believes this settlement will focus attention on religious discrimination. “Religious discrimination is the forgotten discrimination. It’s something that’s often overlooked in the workplace.” Staver and other discrimination lawyers see this program as the prototype after which others will be modeled, making religious discrimination harder to forget and easier to avoid.

*The Wall Street Journal, 22 August 1995*

### **Banks Don’t Steal, People Do**

In the United Kingdom, regulatory bodies with oversight responsibility for financial service institutions have crafted new regulations to bolster the tarnished image of the industry. Well-publicized incidents have focused attention on the shortcomings of the current system, which issues fines to companies to deter violations of the rules.

In response, the Investment Management Regulatory Organisation has established a system that would fine individual transgressors, not just the companies for which they work. Another regulatory body, the Personal Investment Authority (PIA), intends to adopt similar measures. However, the PIA recognizes that such a system of fines, either on the company or the individual, loses some of its deterrent effect when the media grow accustomed to fines and, therefore, cease to report on them, and when companies recuperate fines by passing them along to the customers.

Accepting the existence of these problems, the PIA has suggested an alternative means of exacting punishment. Violators of the rules would be forced to publish the particulars of their transgressions in local or national newspapers in the areas where they do business. In addition to paying for these advertisements, companies could detail their efforts to correct the problems. The PIA argues that such a system would protect investors, large and small, regardless of the

level of any related fines, by providing heretofore hidden information.

*The Economist, 20 May 1995*

### Community Policing: Here to Stay

While some localities across the nation have experimented with community policing, the state of Maryland has gone one step further. Governor Parris Glendening initiated a statewide community-policing program on November 13, 1995, by announcing the creation of a community-policing academy. The academy, to open in February 1996, will offer uniform community-policing instruction to police officers, administrators, and community residents. The state police, in conjunction with the governor's office and police from Prince George's County, Baltimore County, and the city of Baltimore, hope to train 500 persons—officers and civilians—in the first year of the program.

The principles and the objectives of community policing are quite simple. Community policing harkens back to the time when officers walked beats. They became familiar with their surroundings and the residents on the beat. These links aided in the prevention of and solving of crime. While community policing's direct goal is the reduction of crime, it also plays a role in rebuilding citizens' lost faith in the police and in allowing residents to feel safer in their own neighborhoods. Glendening also hopes that officers will be able to assist in areas such as street lighting, changing traffic patterns (to curb mobile drug sales), and working with landlords to evict problem tenants.

While there have been success stories about community policing, there have also been some failures. Glendening used the example of Glenarden Apartments, a troubled neighborhood in a suburb of Washington, D.C., where community policing, at first, restored order and safety. But because of a lack of commitment by police, according to the residents, crime returned to Glenarden. Glendening plans to institutionalize community policing and make it a centerpiece of a crime reduction strategy, so that past failures will not be duplicated in the future.

*The Washington Post, 14 November 1995*

# Beyond the Pale

## Militia Update

Is your town part of the New World Order conspiracy? William Ordiway Jr., a resident of Norman Township and a leader of the Michigan Militia, thinks his is, and has guided his group's redoubled efforts to stop the New World Order in a town-by-town campaign.

After a recent town meeting, at which Ordiway threatened to have Norman Supervisor Sylvester Wood "forcibly removed," he convened another meeting at which a group was selected to "investigate the legal status of the township." The claim is that the town government may be illegitimate and, therefore, meetings of citizens can run the town by a show-of-hands vote on every issue.

Michigan Township Association Executive Director Larry Merrill explains the militia rationale: "They pick and choose what they want from the Constitution, and sometimes they cite biblical references." But opponents of the militia have not let intimidation prevent them from voicing their opinions. Angry outbursts occur at town meetings. In one such incident a man yelled at a woman that she should shut up; a threat was returned; obscenities flew; and someone tried to restore civility with the call that "there's ladies present."

Attempting to strike a balance between the two sides (which are so polarized that old friends no longer speak with each other and people change seats to move away from their opposition), Jaci Knowlton declared, "I am not pro-this side or pro-that side. I am pro-Norman Township. And look at us here. We are screaming and arguing. We are calling each other names." Her plea fell on deaf ears as arguments continued during and after the meeting.

*New York Times, 12 November 1995*

## THE COMMUNITY'S PULSE

### MISPERCEPTIONS ABOUT U.S. POPULATION<sup>1</sup>

<i>What percentage of the U.S. population is . . .</i>	<i>Race of Respondent:</i>				<i>1992 Census data</i>
	<i>White</i>	<i>Black</i>	<i>Hispanic</i>	<i>Asian</i>	
. . . WHITE?	<b>49.9</b>	<b>45.5</b>	<b>46.7</b>	<b>54.8</b>	<b>74.0</b>
. . . BLACK?	<b>23.8</b>	<b>25.9</b>	<b>22.7</b>	<b>20.5</b>	<b>11.8</b>
. . . HISPANIC?	<b>14.7</b>	<b>16.3</b>	<b>20.7</b>	<b>14.6</b>	<b>9.5</b>
. . . ASIAN?	<b>10.8</b>	<b>12.2</b>	<b>10.8</b>	<b>8.3</b>	<b>3.1</b>

*Percentages are averages of the estimates given by those polled.*

### IRRESPONSIBLE MEN<sup>2</sup>

Do you think men are *not* responsible enough to choose a birth control method (percent saying yes)?

<b>Women</b>	<b>73%</b>
<b>Men</b>	<b>70%</b>

### TELEVISION VIEWING CONTINUES TO RISE<sup>3</sup>

Average daily viewing per household:

<b>1964</b>	<b>5.3 hours</b>
<b>1974</b>	<b>6.2 hours</b>
<b>1984</b>	<b>7.1 hours</b>
<b>1994</b>	<b>7.2 hours</b>

### VALUES OF YOUNG TEENS<sup>4</sup>

*(Asked of 10-to-16-year-olds)*

Do you think TV too often portrays sex outside marriage?

<b>Yes</b>	<b>77%</b>
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Should television teach right from wrong?

<b>Yes</b>	<b>82%</b>
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### WHO GETS DONATIONS?<sup>5</sup>

Percentage of all charitable contributions going to each in 1993:

<b>Religion</b>	<b>45%</b>
<b>Education</b>	<b>12%</b>
<b>Human Services</b>	<b>10%</b>
<b>Health</b>	<b>9%</b>
<b>Arts</b>	<b>8%</b>
<b>Environment</b>	<b>3%</b>
<b>Other</b>	<b>13%</b>

### POLITICAL VIEWS OF COLLEGE FRESHMEN<sup>6</sup>

Do you think there is too much concern in the courts for the rights of criminals?

<b>Yes</b>	<b>73%</b>
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Do you think the best way to control AIDS is widespread, mandatory testing?

<b>Yes</b>	<b>62%</b>
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1. *Washington Post*, Oct 8, 1995

2. *The New York Times*, May 23, 1995

3. *Time*, Jan 30, 1995

4. *Society*, Sept/Oct, 1995

5. *Time*, Jan 30 1995.

6. *The American Enterprise*, Sept/Oct, 1995

Compiled by Frank Lovett

MICHAEL BOCIAN

## BRITAIN: WHEN CHURCH AND STATE ARE COMBINED

In the half-century since a 1944 statute mandated religious observance for children in British state schools, students have been required to come together every day in collective worship to give thanks to God. Traditionally, collective worship in British schools consisted of Bible readings and lessons in Christian doctrine. And when, in recent decades, many state schools incorporated secular ceremonies in the place of Christian hymns and prayers, Parliament responded in 1988 with a law: collective worship was to “accord a special status to Jesus Christ.”

Parliament was “driven” to such a declaration by the growing secularization of the school worship time. Although the collective worship law was on the books, school administrators had the freedom to determine what exactly constituted worship. From the 1960s to the 1980s, headmasters began to interpret worship as a time to explore secular notions of worth and respect. Displeased with this development, Parliament decided to put an official Christian stamp on worship time, specifying, in the 1988 law, that worship be “wholly or mainly of a broadly Christian character.”

Despite Parliament’s dictate, many schools have disobeyed their orders. The Hillbrook primary school in London holds a weekly ritual known as the Good News Assembly. It begins with a rendition of the Simon and Garfunkel song “Feelin’ Groovy” and concludes after 45 minutes of nonsectarian camaraderie. In defense of such a program Hillbrook’s principal states, “What the government appears to be saying is that Christianity is part of the British cultural heritage. That’s not very far short of saying that if you’re not Christian, you’re not British.” Even the archbishop of Canterbury, the head of the established Church of England, espouses a more flexible interpretation of worship. A spokesperson for the archbishop remarked that

“we can’t expect schools to have a daily act of full-blooded traditional worship.”

Many conservatives, however, disagree. An education minister maintains that collective worship “benefit[s] pupils up and down the land, regardless of their personal, parental, or family religion.” Many conservatives are concerned that abandoning collective worship would ignore the moral and spiritual values of Christianity that are deeply embedded in the British character. One Conservative MP warned the House of Commons: “Do we want a secular education system? We should take careful note of what happened in the United States.”

*The Washington Post*, 30 July 1995

#### GERMANY: 7-11 NEED NOT APPLY

After a rancorous public debate, Germany will soon revise its long-standing policy regulating shopping hours. Since 1956, the German (West German before 1989) retail industry has been rigidly regulated by the *Ladenschlussgesetz* law, which limits stores to closing times of 6:30 PM on weekdays, 2:00 PM on most Saturdays, and prohibits them from being open on Sundays. In 1988, the last time Germany amended the law, legislators permitted stores to stay open Thursday evening until 8:00 PM, although Saturday hours were reduced.

The strict regulations on closing hours have forced families with two working parents to flood into crammed stores during lunch breaks and early on Saturday. In Bonn, a typical Saturday finds people frantically running around the stores at 1:45, trying to complete their shopping before the stores close for the weekend; fights are not unheard of. Border towns in Holland and Belgium are flooded with German shoppers on the weekends.

But many Germans look at the other side of the coin and support the strict regulations that permit retail employees to spend time with their families. Herman Franzen, head of the German Retail Trade

Association, explains: “Germans need rules and regulations, and want a well-ordered, harmonious society, not the law of the jungle. They don’t need more hours to shop, and my employees and I want time with our families.” Many Germans are satisfied with the idea of cities that slow to a peaceful calm at night and on weekends.

And so what is the change that has aroused such strong emotions? Beginning in 1996, stores will be permitted to stay open an additional hour and a half on weekdays and four more hours on Saturdays, but still must be closed on Sundays.

*Business Week*, 27 November 1995

*New York Times*, 16 January 1995

## AN R.C. DOCUMENT

The following are lyrics from songs that have been distributed by Time Warner:

“Rat-tat-tat-tat late at night with my gatt, on the streets of L.A. wonderin’ where the pussy at, straight player lookin’ for a ho, hangin’ out rollin’ in my 6.4. 16 switches for the niggas in my hood, 17 shells so I make it understood...You come outside nigga, you’re gettin’ fucked up...I keep it like this and I keep it like that, and never hesitate to put a nigga on his back.”

*Dr. Dre, “Rat-tat-tat-tat”*

“I am a big man (yes I am). And I have a big gun. Got me a big old dick and I, I like to have fun. Held against your forehead, I’ll make you suck it. Maybe I’ll put a hole in your head. You know, just for the fuck of it.”

*Nine Inch Nails, “Big Man with a Gun”*

“Body parts in the freezer. I’m not Jeffrey Dahmer, but I’ll slaughter your mother. So open up the door to the slaughtahouse, so I can kill a little more. Ya muthafucker...All we want to do now is murder, murder, murder, kill, kill, kill.”

*Masta Ace Incorporated, “Slaughtahouse”*

“Hot damn. Shit. Look at the ass on that bitch. Look at the titties...All you ladies are ‘hos...Bitch you know you’ve been fucked by many. Come and be my private dancer. I’ve got some money if that’s the answer.”

*2 Live Crew, “Pop that Pussy”*

## COMMUNITY NEWS

### LETTING MENTAL HEALTH PATIENTS HEAL THEMSELVES

(ANS)—When Ed Knight announced 15 years ago that doing mental health research was his life goal, his doctor told him he was “suffering from delusions of grandeur.” This was not a rash diagnosis: at the time Knight was hospitalized with schizophrenia. But during that hospital stay, his last, Knight became convinced of an idea that was just beginning to reshape mental health care practices. It was the simple notion that people with mental health problems are uniquely qualified to help themselves and each other—as those with drinking problems have done for decades through Alcoholics Anonymous.

Since founding what has become New York State’s Mental Health Empowerment Project, Knight has helped organize some 400 self-help groups and 25 nonprofit mental health agencies throughout the state. They offer a range of services, from housing and job training to public policy advocacy. All are staffed by current and former mental patients (some now prefer the term “survivors” or “consumers”). Knight’s project is just one of many nationwide that have begun to demand a greater role for patients in setting mental health policy and an end to such practices as involuntary restraints, excessive medication, and therapies without informed consent. But their primary target is the professional climate itself. The prevailing view, they argue, is that mental patients will almost inevitably get worse. This assumption fosters hopelessness and dependency, Knight says, adding: “It becomes a self-fulfilling prophecy.”

Knight believes that people with mental illnesses can develop creative ways of coping with their symptoms. By listening to one another and sharing these coping mechanisms, they can help each other and build their own self-esteem in the process. “When you’re helped by another recipient,” said Knight, “you’re not only helped. You get hope.” Vietnam veteran Michael Middleton is one example of that interaction. For years, Middleton was homeless, plagued by

chemical addictions and a variety of mental illnesses. A shadowy figure haunting the New York City subways, he slept in abandoned buildings and had been in and out of every mental hospital in the city. "I've had professionals tell me I was worthless and would never amount to nothing," Middleton said.

In 1992, after jumping onto the subway tracks in a police chase, Middleton became involved with Double Trouble, a self-help group founded, with Knight's help, by a former homeless addict. It brings together people struggling with the combined burden of addiction and mental or emotional disability. Surrounded by people with similar experiences Middleton was able, for the first time, to vent his anger and talk about his problems. That, said Knight, is the difference between the mental health system and Double Trouble's self-help approach. "Express a little emotion in the mental health system," Knight said, "and you're labeled, or shot up with Thorazine." On the other hand, adds Middleton, "Double Trouble works because people are not stigmatized." Middleton now leads several Double Trouble self-help groups, including one at the same hospital that treated him after his last suicide attempt. He has also served on a governor's task force on managed care policy for New York. Recently, after training, Middleton was hired as a Mentally Ill Chemical Abuser Specialist with Community Access, a large nonprofit agency in New York. "I have my own apartment," Middleton said with satisfaction. "I'm in a meaningful relationship. I've really turned my situation around."

One of the movement's most visible leaders is Joseph Rogers. He too had once been written off as hopeless. He ate out of dumpsters and responded to voices no one else could hear. Professionals told him: "You have a mental health problem, you're always going to have that. You might as well just get on welfare." But Rogers has not let a psychiatric condition stop him.

In Philadelphia, Rogers started Project SHARE (Self-Help and Advocacy Resource Exchange). In one of its offshoots, formerly homeless mental health "consumers" work as outreach staff for people with mental illnesses who are still living on the streets. Rogers now heads the federally backed National Mental Health Consumers' Self-Help Clearinghouse, which supports hundreds of self-help organizations nationwide.

“Many mental health professionals now view this movement as positive,” said Dr. Peter Stastny, associate professor of psychiatry at Albert Einstein College of Medicine in the Bronx. “The real problem is that professionals and self-help groups don’t communicate enough,” he said. “We go to our meetings and they go to theirs. Many ex-patients, for example, believe that involuntary treatment has harmed them. We need to sit down together if we’re going to figure out a better way.”

With the national health care system in crisis, Rogers said, federal and state agencies are ready to see consumer-run agencies and self-help groups as appealing alternatives to the mental health establishment. Project SHARE and its offshoots alone employ 150 people—80 percent of whom are mental health care consumers—delivering outpatient services at considerably less cost than professional institutional staff. “These are people who would otherwise be receiving those services,” Rogers said. “We’re giving the jobs to people who would otherwise be on welfare.”

Rogers does not worry that the self-help movement may be used as part of a push to cut social service costs. Five years ago he and other advocates lobbied hard to close Pennsylvania’s mammoth state mental hospital—and also managed to get the entire budget of the hospital reallocated to community-based programs. “For the cost of warehousing 500 people,” Rogers said, “we’re now serving 3,000 in a community setting. Taxpayers have already decided they’re not going to pay for unlimited social services. We can sit back and cry about that or we can come up with creative solutions.”

*Susan Keese*

## WELFARE REFORM: NEW HOPE IN MILWAUKEE

(ANS)—“Ending welfare as we know it” is a mantra that has swept the nation. But few have asked what welfare reform would look like if it were designed, not by politicians, but by a mix of people close to the problem. A clue comes from a three-year experiment that is now under way in two poverty-stricken neighborhoods in Milwaukee. Called “The New Hope Project, Inc.,” this mini reform will involve 600 randomly selected jobless and low-wage residents who volunteer to participate. Two-thirds are already enrolled.

“Normally, programs intended to stimulate reforms are designed by government and, eventually, administered by nonprofit groups,” said Phoebe Cottingham of the Rockefeller Foundation, which gave the project \$650,000. “New Hope is the first project we’ve reviewed that grassroots people designed for government to replicate.”

Like some other welfare reform efforts, this program requires participants to find work. The big difference is that the New Hope project guarantees them a job offer. And participants earning meager salaries get wage supplements lifting them at least to the poverty line. In addition, those who need it get health insurance, and child care is available on a sliding fee basis.

New Hope’s approach appeals to some critics of both parties’ current approach to welfare reform. One such critic is Gary Burtless, a senior fellow at the Brookings Institution in Washington, D.C. “It makes a lot of sense to limit cash assistance to most people to a specified period,” acknowledged Burtless, referring to currently proposed rules that would cut off benefits after five years. But mandating work without ensuring that jobs and child care are available means that government leaders are “just washing their hands and walking away,” he charged.

The idea for New Hope germinated in the late 1980s out of Work for Wisconsin, an organization with unemployed workers and welfare recipients among its leaders. The group decided to link job reform with the hot topic of welfare reform. Most welfare reform seems to be based on the assumption that people must be forced to work, according to Sharon Schulz, executive director of New Hope.

But her project, she said, focuses on barriers assistance recipients face on their path to a steady job. Sometimes there is just no job available, or people cannot find and afford reliable day care. Or, she said, a family may feel it can't give up the medical benefits that welfare provides by taking a no-benefits, low-wage job. New Hope, she said, is "a means of removing some of these major impediments."

It works like this: During their first eight weeks with New Hope, participants without jobs are required to look for work in the private sector, with New Hope's assistance in preparing resumes and honing job-interview skills. If they find a private-sector job in the first eight weeks, they become eligible for benefits once they are working at least 30 hours per week. Like participants who already have a job when joining the program, those who find jobs become eligible for wage supplements, health care benefits, and child care assistance. If participants find no private-sector job, or if they are working less than 30 hours a week, they are eligible for New Hope-funded community service jobs at the minimum wage and the same package of benefits.

In 1990, less than one year after the New Hope idea was floated, the business community was on the bandwagon. And they have since contributed several million dollars to make it go.

Many welfare reform proposals currently before Congress would give the welfare system more flexibility, making it easier for states to adopt welfare-to-work programs like New Hope. And that is just what New Hope leaders are angling for. They want to prove to state and national policymakers that their model is "more humane, cost-effective, and self-motivating than current programs," says project literature. In practical terms, "more humane" means that "if someone's going to put forth the effort," Schulz said, "at least they'll live above the level of poverty." For example, a working couple with three children in the program and earnings of \$1,458 per month would receive a wage supplement of \$246 per month, child care benefits at a cost of \$96 per month, and family health care for just \$40 per month.

For Mary Acevedo, 23, the day care subsidy provided by New Hope enables her to hold down a 30-hour job at a Milwaukee nursing home. When her son, Mark Anthony, was born in March, Acevedo quit her low-paying supermarket job to get medical benefits through Aid to Families with Dependent Children, the nation's principal

welfare program. What she really wanted was a good, steady job, but she did not know how she could afford day care for Mark Anthony or medical benefits. When she discovered New Hope, she found out that day care subsidies were available to the working poor. She took the \$7.23 job in the linen services department of the nursing home and joined the New Hope program, which provided access to inexpensive health care and a day care subsidy. "If I didn't have day care, I couldn't go to work," said Acevedo.

New Hope is designed not simply as a project, but also as a social science experiment. At the end of the three years, the Manpower Demonstration Research Corporation of New York, a prominent evaluator of welfare-to-work programs, will conduct a major review of the project. It will compare the lives of the 600 individuals and families in the program against a control group of 600 who were eligible but not given program benefits.

Iowa State University's Maurice MacDonald, an advisor to the conservative Rockford Institute, a think tank in Rockford, Illinois, said the New Hope model is appealing because it is "dealing with the whole person much better than the current welfare system." But, he added, "The political problem is that these are expensive programs, and transferring this into something for the whole state of Wisconsin or federally could be difficult and is a whole different problem." The project is relying on \$3.5 million from Milwaukee donors, \$2.5 million from Rockefeller and other national foundations, and \$7.5 million from governmental sources.

Subtracting the evaluation expense, the project costs roughly \$6,400 per participant each year. But that includes one-time, start-up costs, Schulz said, suggesting that in future years the cost per person would fall to \$3,000 or \$4,000. And, according to Demetra Nightingale, these costs must be measured against gains that accrue over a long period of time and benefit the whole society, not just the target group. Nightingale is an advisor to the project and a research director at The Urban Institute, a Washington-based think tank.

She noted as gains, for example, the new taxes paid and decreased dependency, not only for the participants but for their children. "The benefits tend to be spread out over many years, and the costs are today's costs." But Nightingale seems less concerned about

cost than another problem. Moving people into low-wage jobs only perpetuates poverty, she believes. Her solution: concentrate on improving worker skills and increasing the number of high-skill employment opportunities.

*Gus Spohn*

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